

IN RE: PETITION FOR ADMIN. VARIANCE  
S/S Murdock Road, 282' E of  
Dorking Road  
(323 Murdock Road)  
9th Election District  
4th Councilmanic District  
  
Craig R. DeMallie, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-104-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter originally came before the Zoning Commissioner as a Petition for Administrative Variance. The Petition was filed by the owners of the property, Craig R. and Suzanne R. DeMallie, who seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 39 feet in lieu of the required 50 feet for a proposed addition to the existing dwelling. The subject property and relief sought are more particularly described on the site plan and photographs submitted and marked into evidence as Petitioner's Exhibits 1 and 2, respectively.

As a result of receiving numerous requests from neighboring property owners, this matter was scheduled for a public hearing to determine the appropriateness of the relief sought.

Appearing at the hearing on behalf of the Petition were Craig and Suzanne DeMallie, property owners, Michael and Kathleen Mahoney, adjoining property owners, Laura Boyce and Gordon and Sandra Rupp, nearby residents of the area, and Michael Tanczyn, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were numerous other residents from the surrounding community, including Carol L. Zielke, who resides immediately adjacent to the property, J. Donald Gerding, and Honey Holston, all

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11/3/95

[Signature]

of whom testified as spokespersons on behalf of the residents who appeared in opposition.

Testimony and evidence offered on behalf of the Petitioners was that the subject property, known as 323 Murdock Road, consists of 0.098 acres, more or less, zoned D.R. 10.5, and is improved with a single family, end-of-group townhouse dwelling and a detached, two-car garage as more particularly described on Petitioner's Exhibit 1. The property is located in the Rodgers Forge Community just south of Towson off of York Road. The Petitioners are desirous of constructing a 10' x 15' addition to the rear of the dwelling to increase the size of the existing kitchen, which is presently small and does not provide a seating area. Because the proposed addition will extend into the required 50-foot rear yard setback, the requested variance is necessary in order to proceed as proposed.

Mr. DeMallie testified that he and his wife purchased the subject property in 1992 at which time it was in deplorable condition. He testified that since that time, they have made extensive improvements, both inside and out to beautify and enhance the value of their home. Mr. DeMallie offered into evidence as Petitioner's Exhibit 2 numerous photographs of his home depicting its present improved condition. He also submitted as Petitioner's Exhibit 4 additional photographs of improvements that have been made to other homes in this community.

Mr. DeMallie testified that prior to purchasing their property, he and his wife investigated the Rogers Forge community to determine whether or not other homeowners had constructed rear additions onto their homes. Having seen several similar additions on other homes, the petitioners believed it would be acceptable and appropriate to build an addition onto their home. Mr. DeMallie testified concerning the proposed addition and

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offered as Petitioners' Exhibit 3A, a folder containing several photographs of other similar additions in his community. The first two pictures in this folder depict an addition similar to that which the Petitioners propose to construct. Mr. DeMallie testified that his addition will sit approximately 3 feet from the common property line shared with the Zielke family who are the primary Protestants in this matter.

Mr. DeMallie testified that prior to applying for his building permit for this addition, he talked with several of his neighbors to determine whether the proposed addition would be acceptable to them. He testified that he spoke with Mr. Zielke as well as the Smiths and the Mahoneys, who also reside in the community, and that he received the support of his immediate neighbors at that time. However, he noted that the support he initially received from Mr. Zielke has now turned into opposition by virtue of their request for a public hearing. Mr. DeMallie testified that he has already invested approximately \$10,000 to remodel the existing kitchen and now wishes to add the proposed addition to provide a seating area. He testified that the estimated cost of the proposed addition will be approximately \$14,000 with an additional \$2,000 for new flooring in both the kitchen and addition. Further testimony revealed that there are no covenants or restrictions that are applicable to this townhouse community in that whatever covenants and restrictions were applicable expired in 1960. Therefore, the Petitioners need only the granting of this variance in order to proceed with the proposed addition.

Testifying in support of the Petitioners' request was Michael Mahoney, who resides in the end-of-group townhome on the west side of the DeMallie property. Mr. Mahoney testified that he has no objections to the proposed addition and is supportive of the improvements the DeMallies have

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made to their home. He testified that he believes it is important to accommodate young families such as the Petitioners in order to keep Rogers Forge an attractive and successful neighborhood that will attract individuals with high living standards such as the DeMallies. Further testimony revealed that the subject property had been vacant for approximately two years prior to its purchase by the DeMallies.

As stated previously, many residents from the Rogers Forge community appeared in opposition to the Petitioners' request. Donald Gerding, a representative of the Board of Governors of the Rogers Forge Community Association, appeared and testified in opposition to the Petitioners' request. Mr. Gerding testified that one of the keys to Rogers Forge being a success is the architectural uniformity that exists within the community. He testified that his Association has fought hard to maintain this uniformity and that the proposed addition would be out of character with other townhomes in Rogers Forge. Mr. Gerding believes that the proposed addition will adversely affect the character and value of the other properties in Rogers Forge.

Upon cross-examination, Mr. Gerding argued that the DeMallies chose to purchase the subject property in a townhouse community and were aware that open space is at a premium. He believes that the Petitioners are attempting to make their home something it was never intended to be. He believes that the Petitioners should be required to live in the home that was afforded to them at the time of their purchase. He further believes that the proposed addition was chosen as a matter of preference rather than as a necessity.

Also appearing and testifying in opposition to the Petitioners' request was Carol Zielke, attached adjoining property owner who will be

most affected by the proposed addition. Mrs. Zielke testified that she has resided on her property for the past 19 years. She addressed the issue raised concerning other additions in her community and testified that many of these additions were probably built illegally. She believes, however, that these additions only represent a small percentage of the homes in this community and that the majority of homes in Rogers Forge are without additions. She further testified that most of the additions consist mainly of enclosing the rear porch area. Mrs. Zielke testified that the Petitioners' proposal is not representative of what has been done to other homes in Rogers Forge.

Mrs. Zielke further testified that in her opinion, the proposed addition is for the convenience of the DeMallies rather than a necessity out of hardship or practical difficulty and believes that the proposed addition would adversely affect her use and enjoyment of her property. Mrs. Zielke testified that there already exists a garage in the rear yard of the subject property and the proposed addition will practically create a wall over 75% of the common property line she shares with the Petitioners. It is to be noted that the proposed addition will be located within 10 feet of the existing garage. Mrs. Zielke believes the proposed addition will impede the free-flow of air to her property and reduce the quality of summer breezes she presently enjoys. She also believes it would adversely affect the ventilation she currently enjoys in her kitchen area and will block sunlight from coming in through her kitchen and dining room windows.

Mrs. Zielke further testified that the only light which presently comes into her home is through the front and rear windows and doors due to her inside-group location. She believes that the proposed addition on the subject property would have even more adverse consequences upon her living

conditions. Furthermore, she testified that the Petitioners propose to install a window air conditioner on the side of the proposed addition adjacent to her rear porch and kitchen area. She testified that this air conditioning unit will be both noisy and will blow hot air into her home due to its close proximity to the rear of her home. She believes that this will also adversely affect the quality of life she and her husband currently enjoy.

Mr. & Mrs. Zielke also prepared a model of their property and the DeMallie property with the improvements shown thereon. Testimony indicated that the model was made to scale and was done so to show the obtrusive nature of the proposed addition. While the model was not accepted into evidence, it was used for demonstrative purposes to show what the proposed addition would look like in relation to existing improvements on these properties.

Several other residents from the surrounding community offered testimony in opposition to the Petitioners' request. Much of their testimony reiterated that already offered by Mr. Gerding and Mrs. Zielke. It was clear from the testimony that most of the residents who appeared at the hearing are opposed to the proposed addition.

At the end of the hearing, I indicated to all parties present that I would make a site visit to the property to better familiarize myself with conditions on the property as they presently exist. A site inspection of the area was performed and was beneficial to my rendering a decision in this matter. I also afforded the Petitioners' attorney as well as the Protestants present at the hearing an opportunity to submit written memoranda concerning their respective positions in this matter. I

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subsequently received a memorandum from Mr. Tanczyn and many letters from members of the surrounding community regarding their respective positions.

After due consideration of all of the testimony and evidence presented at the hearing, as well as the personal site inspection I made to the property, and in consideration of the written memoranda received from both sides on this issue, I am persuaded that the requested variance should be denied. I find that the Petitioners have failed to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify a granting of the variance. I find that the proposed addition will impose upon the adjoining property owners, particularly the Zielke family, and is out of character and does not conform to the other homes in the Rogers Forge community. It appears that the Petitioners' request is more a matter of preference as opposed to a practical difficulty. Furthermore, I believe that a granting of this variance would adversely affect the health, safety and general welfare of the Rogers Forge community. Much of the charm and character offered by this neighborhood is its architectural uniformity which is evident throughout the community. While there are some breaks in that uniformity, these examples are the exception rather than the rule. Testimony indicated that additions constitute only approximately 2% of the houses in Rogers Forge. Furthermore, it is not clear how many of those additions were built with valid Baltimore County building permits.

The photographs submitted by the Petitioners show that they take great pride in their home and have made substantial improvements to further enhance its value. It is obvious that they have invested substantial time and money into their property and should be commended for their efforts. However, when one chooses to purchase and live in a townhouse community,

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one must also realize that the potential for expansion is very limited, due to the lack of open space afforded to all those who own townhomes. As several of the Protestants testified, it appears the DeMallies are trying to make this property into something it is not. This is not a community of single family dwellings on one-half acre lots where additions of this nature are more common. The adverse effects that would be realized if the variance were granted are too great and would jeopardize the character and integrity of this community. Thus, the variance requested must be denied.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested must be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13<sup>th</sup> day of January, 1995 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 39 feet in lieu of the required 50 feet for a proposed addition to the existing kitchen, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

January 13, 1995

Michael Tanczyn, Esquire  
606 Baltimore Avenue, Suite 106  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
S/S Murdock Road, 282' E of Dorking Road  
(323 Murdock Road)  
9th Election District - 4th Councilmanic District  
Craig R. DeMallie, et ux - Petitioners  
Case No. 95-104-A

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Craig R. DeMallie, 323 Murdock Road, Baltimore, Md. 21212

Mr. & Mrs. Ronald Zielke, 325 Murdock Road, Baltimore, Md. 21212

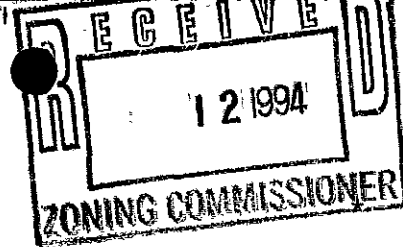
Mr. J. Donald Gerding, 335 Old Trail Road, Baltimore, Md. 21212

Ms. Honey Holston, 94 Dunkirk Road, Baltimore, Md. 21212

Mr. & Mrs. Gerard Dolan, 71 Murdock Road, Baltimore, Md. 21212

People's Counsel; *File*





IN RE:

BEFORE THE

Petition for Variance to  
Provide a Rear Yard Setback  
of 38 feet in Lieu of the  
Required 50 feet.

\*

ZONING COMMISSIONER

\*

FOR BALTIMORE COUNTY

\*

CRAIG R. and SUZANNE R.  
DeMALLIE, Petitioners  
323 Murdock Road  
Baltimore, MD 21212

\*

\*

Case No. 95-104A

\* \* \* \* \*

PETITIONERS' MEMORANDUM

**FACTS**

The Petitioners by deed in 1992 purchased 323 Murdock Road in fee for a sum in excess of \$135,000.00. Since that time they have made expenditures for improvements in the amount of \$22,160.00, excluding any funds for the requested exterior breakfast room, but including \$10,363.00 for improvements to the kitchen area, prior to the time of hearing. Covenants made November 16, 1938 and recorded in the Land Records of Baltimore County in Liber 1047, folio 368, for the area in which this property is located expired October 31, 1960 by its own term as stated in the Covenants (p. 372).

The testimony of both Petitioners and Protestants generally praised the work done by the DeMallies as being of high quality and tasteful as documented in the photographic exhibits presented to the Deputy Zoning Commissioner at the hearing. Mr.

DeMallie's testimony, corroborated by his wife through proffer, was in summary that, prior to purchasing this home, they had inspected the home and observed that the kitchen appeared to be the original kitchen, approximately 8 feet wide by 15 feet long; and they had planned, even before purchasing the house, to renovate the kitchen. They also observed throughout the community of Rodgers Forge where they were looking numerous similar rear additions in this townhome community.

The home they purchased is an end of group and, through various documentary photographic evidence, they showed the dimensions of their proposed addition for a sun or breakfast room without appliances or cooking outside the original kitchen area.

Before undertaking the substantial renovation to the existing kitchen involving purchasing modern larger appliances and additional appliances not provided in the original kitchen and detailed in the photographic evidence for their existing kitchen area entered in evidence, they consulted with their immediate neighbors and were given assurances that their neighbors had no objections to the addition proposed for the rear of the home.

They then contacted the Community Association and were told that their addition could not be approved, principally because of the existence of covenants allegedly in force for the area. When they investigated and found that there were no

covenants in force, they went to Baltimore County and filed the instant petition requesting a variance of 38 feet from the existing 50 feet from the rear yard.

The existing improvements in the community, dating back to original construction in this area of Rodgers Forge, include masonry single and double garages in the rear of the yards.

Mr. DeMallie authenticated drawings as well as pictures of typical or similar proposed additions by the same contractor they had employed by the renovation to their kitchen and which their relatives had employed to build a similar addition.

Numerous examples abound in the documentary evidence of other existing rear yard improvements to accomplish the same purpose to expand the existing kitchen within Rodgers Forge were admitted into evidence, including at least one where the variance was granted by the Zoning Commissioner and the County Board of Appeals for Baltimore County.

#### **ISSUES**

Is the Petitioners' requested variance from area regulation by existing conditions which are peculiar with the land or structure properly granted where strict compliance with the Zoning Regulations would result in practical difficulty on the facts before the Deputy Zoning Commissioner?

#### **ARGUMENT**

Considering the request of the Petitioners, it should be

first noted that the variance requested is from area setback requirements rather than a use variance. In the law, a use variance is one which changes the character of a zoned district while an area variance does not. Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md.App. 28, 322 A.2d 220 (1974).

In this case the residential character of the community will be maintained and the Petitioners seek only to make use of their home as it was intended, as a residence, without increasing any residential density capacity by their requested addition. Cases considering an area variance under the existing case law hold that generally an area variance is less drastic than a use variance when requested and so the burden placed on one seeking an area variance is less than the burden placed on one seeking a use variance. Anderson (supra)

The Petitioners submitted, in addition to the oral testimony of Mr. DeMallie, signed statements of support from numerous neighbors including in the case of the Hardy family a reversal of position from the letter previously written and in the Deputy Zoning Commissioner's file based on a prior misunderstanding of what was proposed by the DeMallies. Once the Hardys understood the proposal they expressed their support for the DeMallies.

The neighbors on one side of the DeMallies were in full support of the proposal, but on the other side the Zielke's

appeared through Mrs. Carol Zielke. She stated that her concerns were as to shadow, noise from an air conditioner, and interference with air. The Zielke home was the second home in on the group next to the DeMallies at 325 Murdock Road. On cross-examination Ms. Zielke admitted that the model constructed was not representative of the proper dimensions and existing conditions at the site and included an elevation based on their misunderstanding of what was proposed in the DeMallie's plans submitted for the Commissioner as far as the rear elevations of the proposed improvement.

She also expressed concerns about any cooking being done in the improvement which were addressed by Mr. DeMallie's testimony that no cooking was proposed to take place within the improvement.

She admitted that her kitchen window had been painted shut for years and was never opened and that the air conditioner in her rear dining room window made noise as well.

Mrs. Zielke showed a picture showing the shadow thrown by the existing masonry garage which fell short of her steps to her back porch, which was taken before the installation of a six foot privacy fence between the Petitioners' property and the Zielkes' property.

She acknowledged the existence of a six foot privacy fence at the rear of her property which had been there since

before she and her husband moved to the property, approximately 19 years ago, and which she believed was in need of replacement.

Additional photographs were taken by the Petitioners to show the improvements as situated in the respective back yards. The testimony of the Petitioners was that any shadows cast would not be cast across the neighbor's window areas from the improvement due to the relative height of the proposed improvements and the offsets from the common property line incorporated by the Petitioners in the design to avoid that effect.

The Deputy Zoning Commissioner agreed to go out and visit the properties prior to rendering any decision.

As the Deputy Zoning Commissioner is very much aware, the distinction to be drawn between the factual case in Anderson v. Board of Appeals, Town of Chesapeake Beach, is that the ordinance in Calvert County required proof of both practical difficulty and (emphasis supplied) unnecessary hardship, not just proof of practical difficulty as may be done under the Baltimore County Zoning Ordinance.

In this case the practical difficulty encountered by the Petitioners is that, after securing approval and after seeing physical evidence of other improvements of a similar character, and perhaps of lesser quality, than that proposed by the DeMallies in existence in Rodgers Forge, they went ahead with

renovation of their kitchen. They wish to retain a formal dining room, which they have created through substantial money and a lot of hard work as documented in the photos.


The proposed improvement will merely allow them a place to sit down and enjoy their meals and their backyard, will not increase density, will not impact on light and air on their part of any neighbors, and therefore the Petitioners have met their burden to show that the restriction requiring a 50 foot rear setback, if strictly construed, would unreasonably prevent them from using their property for a permitted purpose; namely, residential use.

The grant of this variance would do substantial justice to them as well as to other property owners in the immediate community. Anderson v. Board of Appeals, Town of Chesapeake Beach (supra). McLean v. Soley, 270 Md. 208, 310 A.2d 783.

#### SUMMARY

Petitioners respectfully request the Deputy Zoning Commissioner approve the variance as requested for the authority given.

Respectfully submitted,

  
MICHAEL P. TANCAYN, ESQ.  
606 Baltimore Avenue, Suite 106  
Towson, Maryland 21204  
Telephone: (410) 296-8823  
Attorney for the Petitioners



I HEREBY CERTIFY that a copy of the foregoing was mailed, postage prepaid, to J. Donald Gerding, Esquire, 335 Old Trail, Baltimore, Maryland, 21212, attorney for the Protestants.

  
MICHAEL P. TANCZYN, ESQ.

Law Offices  
**MICHAEL P. TANCZYN, P.A.**

Suite 106, 606 Baltimore Avenue  
Towson, Maryland 21204  
(410) 296-8823 - (410) 296-8824  
Fax: (410) 296-8827  
Computer Fax: (410) 296-2848

12/14

December 12, 1994

Honorable Timothy Kotroco  
Deputy Zoning Commissioner  
Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

Re: Case NO. 95-104-A  
323 Murdock Road

Dear Mr. Kotroco:

Enclosed herewith, per your instructions, is the Memorandum of the Petitioner for your consideration in this matter.

Very truly yours,

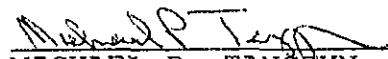
MPT

Michael P. Tanczyn

MPT/ed  
Enclosure

cc: Mr. J. Donald Gerding  
Mr. & Mrs. Craig DeMallie

I HEREBY CERTIFY that a copy of the foregoing was mailed, postage prepaid, to J. Donald Gerding, Esquire, 335 Old Trail, Baltimore, Maryland, 21212, attorney for the Protestants.

  
MICHAEL P. TANCZYN, ESQ.

12/14/94

Phoned Michael Tanczyn office - he is in court for  
his sec. Mrs Eve Drehman - I explained the error  
of statement "attorney for the Protestant" - since  
Michael has known me since mid. 1970. - on and  
he knows I am not an attorney and as such  
since this item is a matter of public record I  
request he retract the statement in a  
written memo to Mr. Kotroco, Mr. & Mrs DeMallie  
and myself. Mrs Drehman's comment was - she  
will pass the message to Michael & asked for  
my phone number.

cc  
Honorable Timothy Kotroco



# Petition for Administrative Variance

95-104-A

## to the Zoning Commissioner of Baltimore County

for the property located at 323 Murdock Road

which is presently zoned DR 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B02.3.C.1 ---- To allow a rear yard setback (for an addition) of 39 feet in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The current kitchen size is not large enough to both accommodate today's modern appliances and maintain a comfortable eating area. Since numerous similar structures already exist throughout the neighborhood, without detriment to public safety and welfare, the spirit of the ordinance is sure to remain intact.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

Craig R. DeMallie

(Type or Print Name)

Signature

Suzanne R. DeMallie

(Type or Print Name)

Signature

323 Murdock Rd. (Work) 247-5075  
(Home) 377-6162

Address

Phone No

Baltimore, Maryland 21212

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Craig R. DeMallie

Name

323 Murdock Rd.

Address

247-5075

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: *[Signature]*

DATE: 9-19-94

ESTIMATED POSTING DATE: 10-2-94



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 105

ORDER RECEIVED FOR FILING  
Date 1/13/95  
By *[Signature]*

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 323 Murdock Rd.  
address  
Baltimore, Maryland 21212  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The current kitchen size is not large enough to both accommodate today's modern appliances and maintain a comfortable eating area. Since numerous similar structures already exist throughout the neighborhood, without detriment to public safety and welfare, the spirit of the ordinance is sure to remain intact.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Craig R. DeMallie  
(signature)  
Craig R. DeMallie  
(type or print name)



Suzanne R. DeMallie  
(signature)  
Suzanne R. DeMallie  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13<sup>th</sup> day of September, 19 94, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Craig R. DeMallie & Suzanne R. DeMallie

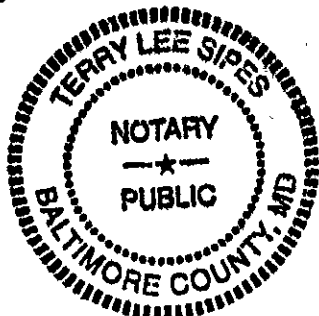
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9-13-94  
date

[Signature]  
NOTARY PUBLIC

My Commission Expires: 4-9-96



## Zoning Description

### ZONING DESCRIPTION FOR 323 MURDOCK ROAD

That parcel of ground situate in Baltimore County, Maryland and described as follows, that is to say:

Beginning on the south side of Murdock Road at the distance of two hundred eighty two feet easterly from the southeast corner of Murdock and Dorking Road and at a point where the south side of Murdock Road is intersected by a line drawn midway between the house on the lot and that on the lot adjoining thereto on the west;

Thence easterly binding on the south side of Murdock Road forty feet to a point in a line with the center of the partition wall there situate;

Thence southerly to and through the center of said partition wall and continuing the same course in all one hundred ten feet to the north side of an alley fifteen feet wide;

Thence running westerly binding on the north side of said alley thirty seven feet seven inches to intersect the aforementioned line drawn midway between the house on the lot and that on the lot adjoining thereto on the west;

Thence north binding on said line one hundred ten feet to the place of beginning.

# 105

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

*PB-104-A*

District *Hth* Date of Posting *9/30/94*

Posted for: *Variation*

Petitioner: *Craig & Suzanne DeMallie*

Location of property: *323 Marlock Rd, S/S*

Location of Signs: *Facing roadway on property being zoned*

Remarks:

Posted by *M. Staley* Date of return: *10/9/94*  
Signature

Number of Signs: *1*



# NOTICE OF HEARING

The Zoning Commission of Baltimore County, Maryland, of the Zoning and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 108 of the County Office Building, 400 Washington Avenue, Towson, Maryland 21204, as follows:

## Cases Number:

94-1047A (Rm. 108)  
323 Murdock Road  
S/S Murdock Road, 282'  
E of S/O Murdock and  
Dorking Road  
4th Election District  
9th Councilmanic District

## Legal Owner:

Craig R. DeMallie &  
Suzanne R. DeMallie  
HEARING: THURSDAY,  
NOVEMBER 10, 1994 at  
2:00 p.m. in Rm. 108,  
County Office Building.

Variances to allow a rear  
yard setback (for an addition) of  
39 feet in lieu of the required 60  
feet.

LAWRENCE E. SCHMIDT,  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Hand-  
icapped accessible, for special  
accommodations Please Call  
887-3383.

(2) For informa-  
tion concerning the File and/or  
Hearing, Please Call 887-3381.

10/290 October 20.

# CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 20, 1994

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on Oct 20, 1994.

THE JEFFERSONIAN,

*A. Henickson*

L. A. TOWSON  
Publisher





Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

95-104-A

Account: R-001-6150

Number 105

Taken by: JRF

Date 9/19/94

DEMALLIE - 323 Murdock Rd.

OIO - Variance \$ 50.00

O&U - Sign \$ 35.00

---

\$ 85.00

03A03#0300MICRRC

\$85.00

BA C01D:16AMD9-19-94

Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 150321

DATE 2/10/95 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED  
FROM: Michael P. Tanczyn

FOR: Appeal 95-104-A

Craig R. Demallie, et ux, Petitioners

0240280184K LIRE

\$210.00

BA COLLECTED 10-04

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

JAW

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 49487

DATE 10-12-94 ACCOUNT R001-6150

AMOUNT \$ 40.00

RECEIVED  
FROM: Zielke

FOR: Request hearing 95-104-A

04A048040M5CHRI

\$40.00

BA COLLECTED 10-74

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

#980-94  
DJ

# REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 95-104-A

Petitioner(s): Mr. & Mrs. Craig DeMallie

Location: 323 Murdock Rd., Baltimore, Md.  
21212

\*\*\*\*\*

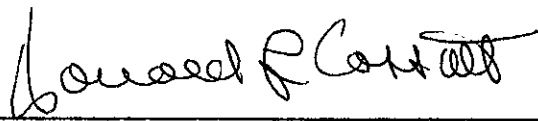
I/WE, Donald L. CASSATT & Betty V. CASSATT  
Name(s) ----- (TYPE OR PRINT)

(X) Legal Owners ( ) Residents, of

320 Murdock Rd.  
Address

Baltimore, Md. 21212  
City/State/Zip Code Phone

which is located approximately across street feet from the  
property which is the subject of the above petition, do hereby formally  
request that a public hearing be set in this matter.

 10-9-94  
Signature Date  
Betty V. Cassatt 10-9-94  
Signature Date

4981-94  
432

# REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number:

95-104-A

Petitioner(s):

Mr & Mrs Craig DeMallie

Location:

323 Mundock Rd Balt 21212

\*\*\*\*\*

I/WE,

John and Norma O'Hara

Name(s)

----- (TYPE OR PRINT)

(☒ Legal Owners (☒ Residents, of

329 Mundock Rd

Address

Balt MD 21212

City/State/Zip Code

Phone

which is located approximately 45 feet from the

property which is the subject of the above petition, do hereby formally

request that a public hearing be set in this matter.

Signature

John F. O'Hara

Date

October 8, 1994

Signature

Norma Jean O'Hara

Date

10-8-94

**RECEIVED**

OCT 11 1994

**ZADM**

10/11/94 4979-94  
JES

# REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number:

95-104-A

Petitioner(s):

Mr + Mrs Craig De Mallie

Location:

323 Murdock RD Baltimore MD 21212

\*\*\*\*\*

I/WE,

Adrien Rothschild

Name(s)

----- (TYPE IN PRINT)

(☒) Legal Owners ( ) Residents, of

322 DUNKIRK Road

Address

Baltimore, MD

21212

City/State/Zip Code

(410) 377-2910

Phone

which is located approximately 18 feet from the  
property which is the subject of the above petition, do hereby formally  
request that a public hearing be set in this matter.

Signature

Adrien Rothschild

Date

10/10/94

Signature

Date

**RECEIVED**

OCT 11 1994

**ZADM**

# REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 95-104-A

Petitioner(s): Mr. & Mrs. Craig DeMallie

Location: 323 Murdock Road, Balto.MD 21212

\*\*\*\*\*

X/WE, EDWARD J. & HELEN A. AMENT

Name(s) ----- (TYPE OR PRINT)

(X) Legal Owners ( ) Residents, of

331 MURDOCK ROAD

Address

BALTIMORE, MD. 21212

(410)377-8870

City/State/Zip Code

Phone

which is located approximately 80 feet from the  
property which is the subject of the above petition, do hereby formally  
request that a public hearing be set in this matter.

Edward J. Ament  
Signature

10/9/94

Date

Helen A. Ament  
Signature

10/9/94

Date



RECEIVED

OCT 12 1994

ZADM

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 105

Petitioner: Craig and Suzanne DeMallie

Location: 323 Murdock Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Craig and Suzanne DeMallie

ADDRESS: 323 Murdock Road

Baltimore, MD 21212

PHONE NUMBER: H:377-6162 W:247-5075 (Craig)

AJ:ggs

(Revised 04/09/93)

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

OCTOBER 14, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-104-A (Item 105)  
323 Murdock Road  
S/S Murdock Road, 282' E of SEC Murdock and Dorking Road  
4th Election District -9th Councilmanic District  
Legal Owner: Craig R. DeMallie & Suzanne R. DeMallie

HEARING: THURSDAY, NOVEMBER 10, 1994 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow a rear yard setback (for an addition) of 39 feet in lieu of the required 50 feet.

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name.

Arnold Jablon  
Director

cc: Craig and Suzanne DeMallie  
Donald and Betty Cassatt  
Adrien Rothschild  
John and Norma O'Hara  
H. Ronald and Carol Zielke

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

SEPTEMBER 30, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Craig and Suzanne DeMallie  
323 Murdock Road  
Baltimore, Maryland 21212

Re: CASE NUMBER: 95-104-A (Item 105)  
323 Murdock Road  
S/S Murdock Road, 282' E of SEC Murdock and ~~Purkin~~ <sup>Dorking</sup> Road

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before October 2, 1994. The closing date (October 17, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

May 15, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 95-104-A

CRAIG R. DeMALLIE, ET UX -Petitioners  
S/s Murdock Road, 282 feet East of Dorking  
Road (323 Murdock Road)  
9th Election District  
4th Councilmanic District

VAR -To permit a rear yard setback of 39 feet  
in lieu of required 50 feet for proposed  
addition to existing dwelling.

1/13/95 -D.Z.C.'s Order in which Petition for  
Variances is DENIED.

ASSIGNED FOR:

THURSDAY, JULY 27, 1995 at 10:00 a.m.

cc: Michael P. Tanczyn, Esquire  
Mr. & Mrs. Craig R. DeMallie

Counsel for Appellants /Petitioners  
Appellants /Petitioners

Newton A. Williams, Esquire

Counsel for Protestants  
(M/M Zielke, et al)

Mr. & Mrs. Ronald Zielke  
Mr. J. Donald Gerding  
Ms. Honey Holston  
Mr. & Mrs. Gerard Dolan  
Ms. Norma Jean O'Hara  
Mr. C. Carroll Miller, Jr.  
Mr. Charles Calvert

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

RECEIVED

MAY 17 1995

ZADM

Kathleen C. Weidenhammer  
Administrative Assistant





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

August 2, 1995

NOTICE OF DELIBERATION

Having concluded the hearing in this matter on July 27, 1995, the Board has scheduled the following date and time for deliberation in the matter of:

CRAIG R. DeMALLIE, ET UX  
CASE NO. 95-104-A

DATE AND TIME : Thursday, September 21, 1995 at 9:00 a.m.  
LOCATION : Room 48, Basement, Old Courthouse

Please Note: Written memorandums due from Counsel on Thursday, August 10, 1995 (ORIGINAL AND THREE COPIES).

---

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners  
Mr. & Mrs. Craig R. DeMallie Appellants /Petitioners  
Newton A. Williams, Esquire Counsel for Protestants  
(M/M Zielke, et al)  
Mr. & Mrs. Ronald Zielke  
Mr. J. Donald Gerding  
Ms. Honey Holston  
Mr. & Mrs. Gerard Dolan  
Ms. Norma Jean O'Hara  
Mr. C. Carroll Miller, Jr.  
Mr. Charles Calvert  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /PDM  
Docket Clerk /PDM  
Arnold Jablon, Director /PDM

RECEIVED  
AUG 3 1995

ZADM

Copies to: K. W. B.

Kathleen C. Weidenhammer  
Administrative Assistant



Baltimore County Government  
Office of Zoning Administration  
and Development Management



1 West Chesapeake Avenue  
wson, MD 21204

(410) 887-3353

OCT. 13 1994

Craig R. DeMallie  
323 Murdock Road  
Baltimore, Maryland 21212

Re: Item 105, Case #95-104

Dear Petitioner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 19, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,  
*W. Carl Richards, Jr.*

W. Carl Richards, Jr.  
Zoning Supervisor

WCR:jaw

GS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: September 28, 1994

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 105, 107, 109 and 111.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Cam L. Kern*

PK/JL:lw

RECEIVED  
OCT 3 1994  
ZADM

ZAC.105/PZONE/ZAC1





**Maryland Department of Transportation**  
**State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

9-30-94

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: \*105 (JRF)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for* David Ramsey, Acting Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

41

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:   Arnold Jablon, Director                      DATE:   October 11, 1994  
      Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
      Developers Engineering Section

RE:    Zoning Advisory Committee Meeting  
      for October 11, 1994  
      Items 105, 106, 107, 109 and 111

The Developers Engineering Section has reviewed  
the subject zoning items and we have no comments.

RWB:sw

10/11/94

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/10/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner:

LOCATION: DISTRIBUTION MEETING OF 10/11/94.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 105, 107, 109, 111  
AND 112.

**RECEIVED**  
OCT 11 1994  
**ZADM**

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4891, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM  
FROM: DEPRM  
Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: 10/3/94

DATE: 10/6/94

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 105 ✓  
107  
108  
111  
112

LS:sp

LETTY2/DEPRM/TXTSBP

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Kathleen Weidenhammer

DATE: March 1, 1995

FROM: Julie A. Winiarski

SUBJECT: 95-104-A  
Craig R. DeMallie  
323 Murdock Road

Please add the following name and address to your current notification list for the above-referenced case.

Mr. Charles Calvert  
208 Murdock Road  
Baltimore, MD 21212

If you have any questions, please do not hesitate to contact me at 887-3353.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Kathleen Weindenhammer

DATE: March 16, 1995

FROM: Julie A. Winiarski *jaw*

SUBJECT: Case No. 95-104-A  
323 Murdock Road

As per written request received by this office on March 16, 1995, please add Ms. Norma Jean O'Hara, 329 Murdock Road, Baltimore, MD 21212 to the notification list for the above-referenced case.

Thank you for your cooperation in this regard.

jaw

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 10, 1995

Mr. & Mrs. Ronald Zielke  
325 Murdock Road  
Baltimore, MD 21212

Mr. J. Donald Gerding  
335 Old Trail Road  
Baltimore, MD 21212

Ms. Honey Holston  
94 Dunkirk Road  
Baltimore, MD 21212

Mr. & Mrs. Gerard Dolan  
71 Murdock Road  
Baltimore, MD 21212

RE: Petition for Variance  
S/S Murdock Road, 282 ft. East of Dorking Road  
(323 Murdock Road )  
9th Election District  
4th Councilmanic District  
Craig R. DeMallie, et ux-Petitioner  
Case No. 94-104-A

Dear Mr. & Mrs. Zielke, Mr. Gerding, Ms. Holston,  
and Mr. & Mrs. Dolan :

Please be advised that an appeal of the above-referenced case was filed in this office on February 10, 1995 by Michael P. Tanczyn, Esquire on behalf of Craig and Suzanne DeMallie. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3353.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON  
Director

AJ:jaw

c: People's Counsel



APPEAL

Petition for Variance  
S/S Murdock Road, 282 ft. East of Dorking Road  
(323 Murdock Road)  
9th Election District - 4th Councilmanic District  
Craig R. DeMallie, et ux-PETITIONER  
Case No. 95-104-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication  
Four Request of Hearing Forms

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to accompany Petition for Variance  
2 - Eight photographs  
3A- Twenty-three photographs  
3B- Copy of CBA Opinion 86-212-A  
4 - Seven photographs  
5 - Eleven photographs of home  
6 - Capital Expenditure made to 323 Murdock Rd  
7 - No Exhibit Marked Petitioners Exhibit No. 7  
8 - Seven Affidavits of Support  
9 - Copy of Lease - James Keelty, Inc.  
10 - Building Permit B215194  
11 - Four photographs of area

Protestant's Exhibits: 1 - Rogers Forge Community Association, Inc.  
2 - Two photographs of 323 Murdock Road  
3 - Two photographs of view from 323 and 325  
Murdock Road  
4 - Two photographs of view from 323 and 325  
Murdock Road  
5A- Letter to Arnold Jablon dated Nov. 8, 1994

Questions to be asked by spokesperson regarding 323 Murdock Road from  
Carol L. Zielke

Presentation concerning the photographs of enclosed structures to  
Rogers Forge Homes from Carol L. Zielke

Petitioner's Memorandum received December 12, 1994

Three photographs of 323 Murdock Road (not marked as exhibit)

Letter to Timothy Kotroco from Michael P. Tanczyn dated Jan. 16, 1995

Twenty-five letters of opposition

Two miscellaneous letters

Summation Arguments for the Aggrieved Parties from Carol L. Zielke  
dated December 8, 1994

Rogers Forge Community Association, Inc. Summation of Presentation of  
Protestant dated December 6, 1994

Deputy Zoning Commissioner's Order dated January 13, 1995 (Denied)  
Tanczyn on behalf of Craig R. DeMallie, et ux

c: Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106,  
Towson, MD 21204  
Mr. & Mrs. Craig R. DeMallie, 323 Murdock Road, Balto., MD 21212  
Mr. & Mrs. Ronald Zielke, 325 Murdock Road, Baltimore, MD 21212  
Mr. J. Donald Gerding, 335 Old Trail Road, Baltimore, MD 21212  
Ms. Honey Holston, 94 Dunkirk Road, Baltimore, MD 21212  
Mr. & Mrs. Gerard Dolan, 71 Murdock Road, Baltimore, MD 21212  
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning  
Timothy M. Kotroco, Deputy Zoning Commissioner  
Arnold Jablon, Director of ZADM



6/12/1/84

## Capital Expenditures Made to 323 Murdock Road

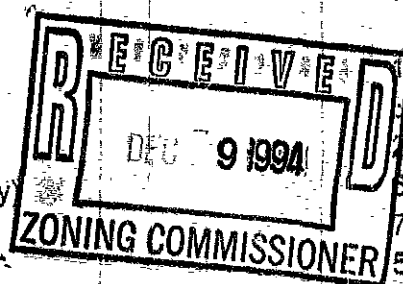
During the Period of April 1993 through November 1994

### Capital Improvements (Services):

Wallpaper Removal	700	
Hardwood Floors Refinished	1,700	
Plumbing Replacements - 3rd floor bathroom	500	
		2,900

### Permanent Fixtures/Additions

P. Twin B. ss Front Door Handle	125	
Virginia Metalcraft Sconces	336	
Ceiling Fans (two)	235	
Custom Made Drapes (material only)	576	
Wood Shutters (28)	767	
Recessed Lights (9 at \$65/light)	585	
Wall to Wall Carpet - Office	282	
Wall to Wall Carpet - Guest Room	338	
Carpet Runners on Steps & in Hallways	754	
Washer & Dryer	1,050	
Wood / Handcrafted Lamppost	78	
Bathroom Tile	125	
Bathroom Countertop	40	
Wood Fence (Picket and Privacy)	350	
Handpainted Porcelain Mailbox	63	
		5,904



### Repairs/Maintenance

Paint (estimated)	742	
Home Depot Miscellaneous / Hardware	2,251	
		2,993

### Kitchen Improvements

Cabinets & Countertops	5,388	
Appliances:		
Refrigerator	1,400	
Cooktop, Microwave, Dishwasher, Oven	2,040	
Faucet	175	
Recessed Lights (4 at \$65/light)	260	
Installation Charge	1,100	
		10,363

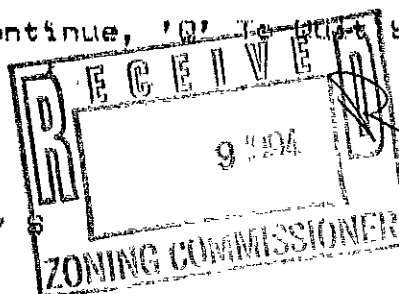
### Total Capital Expenditures \*

22,160

\* Note: With exception of the kitchen improvements, the refinishing of the floors, stripping of the wallpaper, and plumbing replacements, these costs exclude labor.

SEARCH COMPLETE

REPORT TYPE (CH, D OR W)? W



Angels  
Forge

PROGRAM? P88

>> PROPERTY SEARCH SHORT - Greater Baltimore Region  
CC)COUNTY CD(1-6)?BC

CLASS? 1

SS)STATUS(Active, Settled, Pend, Xpired, Inactive)? S

KEYWORD? SD; 931101+

KEYWORD? NR; LUCH R

KEYWORD? ZP; 21204, 21286, 21234

KEYWORD?

FEATURES? AS2

FEATURES?

PRINT IMMEDIATE(Y, N, S, V, L, OR OR)? V

SEARCH STARTED

LN#	SOLD	ADDRESS	BD/BTH/DESIGN	LOT	ZIP	MAP	MLS#-SETTLE
1)	\$96,250 1814	GLEN RIDGE ROAD	3 1/0 THS	0.00	21234	27J08 BC	100535
2)	\$116,800 1576	DELLSWAY ROAD	3 1/0 EOG	0.00	21286	27J07 BC	97704
3)	\$70,000 8324	RIDGELY OAK RD	3 1/1 EOG	0.06	21234	27K09 BC	80485
4)	\$75,800 8318	DALESFORD RD	2 1/1 THS	0.04	21234	27K09 BC	93241
5)	\$79,900 8304	RIDGELY OAK RD	3 1/1 THS	0.00	21234	27K08 BC	92556
6)	\$80,800 8350	EDGE DALE ROAD	3 1/1 THS	0.00	21234	27K08 BC	85992
7)	\$84,800 8313	KENDALE RD	3 1/0 EOG	0.00	21234	27K08 BC	95052
8)	\$82,900 8322	EDGE DALE RD	3 1/5 EOG	0.00	21234	27K08 BC	86971
9)	\$83,000 8312	KENDALE ROAD	3 1/1 EOG	0.00	21234	27K08 BC	88156
10)	\$89,000 8133	CLYDE BANK	3 1/0 THS	0.00	21234	27J09 BC	93598
11)	\$83,000 1637	ABERDEEN ROAD	3 1/0 THS	0.00	21286	27J08 BC	92986
12)	\$99,175 8154	LUCH RAVEN BLVD	3 1/1 THS	0.00	21286	27H08 BC	96850
13)	\$98,000 1802	DEVERON ROAD	3 1/0 THS	0.00	21234	27J08 BC	92853
14)	\$98,900 1804	DEVERON RD	3 1/1 THS	0.06	21234	27J08 BC	93961
15)	\$104,000 1815	EDGEWOOD ROAD	3 1/1 THS	0.00	21234	27J08 BC	86841
16)	\$100,000 8149	CLYDE BANK ROAD	3 1/1 THS	0.00	21234	27H09 BC	96399
17)	\$108,900 1611	COTTAGE LANE	3 1/1 THS	0.04	21286	27H08 BC	90470
18)	\$112,000 1650	MYAMBY RD	3 2/0 THS	0.00	21286	27J07 BC	98759
19)	\$113,000 1409	PUTTY HILL AVE.	3 1/1 THS	0.00	21286	27H07 BC	94049
20)	\$113,900 1571	DOXBURY RD	3 2/0 THS	0.06	21286	27J07 BC	94668
21)	\$120,000 1731	GLEN RIDGE ROAD	3 1/1 EOG	0.00	21234	27J09 BC	98227
22)	\$120,000 8207	PLEASANT PLAINS	5 1/1 EOG	0.00	21286	27H08 BC	95866
23)	\$123,500 1556	GLEN KEITH BLVD	3 2/0 EOG	0.10	21286	27H08 BC	188622
24)	\$108,500 1609	COTTAGE LANE	3 2/0 THS	0.00	21286	27H08 BC	84565
25)	\$88,500 1865	LUCH SHIEL	3 1/0 THS	0.00	21234	27J09 BC	101731
26)	\$85,000 8164	LUCH RAVEN BLVD	3 2/0 THS	0.05	21286	27H08 BC	92654
27)	\$91,000 1719	KENNOWAY ROAD	3 1/0 THS	0.10	21234	27J08 BC	92301
28)	\$93,900 8163	GLEN GARY RD	3 1/1 THS	0.00	21234	27H09 BC	91870
29)	\$94,900 1605	LUCH NESS	3 2/0 THS	0.00	21286	27H08 BC	94145
30)	\$92,000 1707	GLEN RIDGE ROAD	3 2/0 THS	0.05	21234	27J08 BC	78907
31)	\$98,200 1806	ABERDEEN ROAD	3 1/0 THS	0.00	21234	27J08 BC	87717
32)	\$98,000 1616	FELDERBROOK	3 2/0 THS	0.00	21286	27H08 BC	90026
33)	\$92,000 8104	CLYDE BANK	3 1/0 THS	0.00	21234	27H04 BC	83244
34)	\$94,500 1861	LUCH SHEIL RD	3 1/0 THS	0.00	21234	27J07 BC	88720
35)	\$95,000 8429	GREENWAY RD	3 1/0 THS	0.00	21234	27J08 BC	83627
36)	\$99,000 1524	DOXBURY ROAD	3 1/1 THS	0.05	21286	27H07 BC	92972
37)	\$98,000 1859	EDGEWOOD RD	3 1/1 THS	0.00	21234	27J09 BC	100746

*Loch Raven Village*

38)	\$100,500	8314	WYTON ROAD	3 1/1	EOG	0.00	21286	27J08	BC	94248
39)	\$100,500	1618	THETFORD RD	3 1/1	EOG	0.00	21286	27J08	BC	90488
40)	\$97,000	8142	LOCH RAVEN BLVD	3 1/1	THS	0.00	21286	27H08	BC	87734
41)	\$102,000	1726	EDGEWOOD	3 1/0	THS	0.00	21234	27J08	BC	88812
42)	\$102,000	1816	GLEN RIDGE ROAD	3 1/1	THS	0.10	21234	27J08	BC	100253
43)	\$100,250	8118	KIRK WALL COURT	3 2/0	THS	0.06	21286	27H08	BC	82104
44)	\$104,200	1569	GLEN KEITH BLVD	3 1/1	THS	0.00	21204	27H08	BC	88685
45)	\$104,000	1526	PUTTY HILL AVE	3 1/1	THS	0.06	21286	27H07	BC	102002
46)	\$104,000	8107	KIRK WALL CT	3 2/0	THS	0.00	21286	27H08	BC	90831
47)	\$106,000	1532	COTTAGE LANE	3 1/1	THS	0.06	21286	27H08	BC	91953
48)	\$105,400	1520	COTTAGE LANE	3 1/1	THS	0.00	21286	27H08	BC	92613
49)	\$103,000	1723	GLEN RIDGE ROAD	3 2/0	THS	0.00	21234	27J08	BC	91715
50)	\$102,000	1508	DELLSWAY ROAD	3 1/1	THS	0.00	21204	27H07	BC	79321
51)	\$108,000	1741	EDGEWOOD ROAD	3 1/1	EOG	0.10	21234	27J08	BC	97301
52)	\$105,000	1808	LOCH SHIEL	3 1/1	THS	0.00	21234	27J08	BC	90425
53)	\$107,500	1457	PUTTY HILL AVE	3 2/0	THS	0.00	21286	27J07	BC	92385
54)	\$109,000	1580	DOXBURY	3 2/0	THS	0.00	21286	27J07	BC	88014
55)	\$103,000	1874	LOCH SHIEL	3 1/1	EOG	0.00	21234	27J09	BC	85885
56)	\$110,000	8137	PLEASANT PLAINS	3 2/0	THS	0.05	21286	27H08	BC	99632
57)	\$110,000	8215	PLEASANT PLAINS	3 1/0	EOG	0.00	21286	27H08	BC	100987
58)	\$119,200	8524	PLEASANT PLAINS	3 1/1	EOG	0.00	21286	27H08	BC	83985
59)	\$121,000	8155	PLEASANT PLAINS	3 2/0	EOG	0.00	21286	27H08	BC	99721
60)	\$121,500	1601	LOCH NESS RD	3 1/0	EOG	0.00	21286	27H08	BC	91432
61)	\$123,500	8114	KIRK WALL COURT	3 1/1	EOG	0.04	21204	27H08	BC	82759
62)	\$122,000	1609	LOCH NESS ROAD	3 1/1	EOG	0.00	21286	27H08	BC	93344

SEARCH COMPLETE

Enter LN #'S To Save, <RETURN> To Continue, 'Q' To Quit Search:

Q

REPORT TYPE(CH,D OR Q)? CH

KEYWORD?

FEATURES?

PRINT IMMEDIATE(Y,N,S,V,D,CH OR Q)? S

SEARCH STARTED

CLASS: 1 STATUS: S

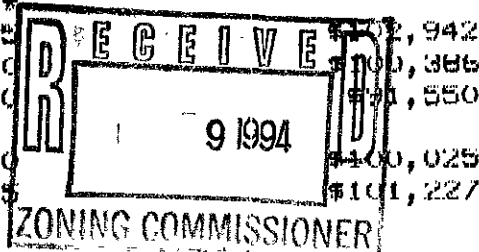
	* UNITS *	* TOTAL DOLLARS *	* AVERAGE DOLLARS *					
BEDS	TOTAL	LIST	SETTL	LIST	SETTL	DOM	L/S %	
0-2	1	\$75,900	\$75,900	\$75,900	\$75,900	7	100.00	
3	60	\$6,223,167	\$6,080,175	\$103,719	\$101,336	60	97.70	
4								
TOTAL	62	\$6,299,067	\$6,156,075	\$102,612	\$101,227	58	97.69	

\*\*TOTAL ACREAGE: 1.08 AVG.UNIT: .01 ACRE:

\*\*\*SETTLEMENT STATISTICS BY LOAN TYPE\*\*\*

CONV	29	\$2,985,325	\$2,942
FHA	19	\$1,907,350	\$100,386
VA	2	\$183,100	\$91,550
CASH			
OTHER	12	\$1,200,300	\$100,025
TOTAL	62	\$6,276,075	\$101,227

REPORT TYPE(CH,D OR Q)?



Law Offices  
**MICHAEL P. TANCZYN, P.A.**

Suite 106, 606 Baltimore Avenue  
Towson, Maryland 21204  
(410) 296-8823 - (410) 296-8824  
Fax: (410) 296-8827  
Computer Fax: (410) 296-2848

February 10, 1995

Ms. Eileen Hennegan  
Office of the Zoning Commissioner  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Case No. 95-104-A  
Craig R. DeMallie, et ux, Petitioners  
Petition for Administrative Variance

Dear Ms. Hennegan:

Please note an appeal from the Decision of January 13, 1995 in the above matters to the County Board of Appeals for Baltimore County on behalf of the Petitioners.

Enclosed you will find my check made payable to Baltimore County in the amount of \$210.00.

Very truly yours,

  
Michael P. Tanczyn

MPT/ed  
Enclosure

cc: Mr. & Mrs. Craig DeMallie

**RECEIVED**  
FEB 10 1995

**ZADM**

LAW OFFICES  
**J. MICHAEL LAWLOR**  
606 BALTIMORE AVENUE  
SUITE 204  
TOWSON, MARYLAND 21204  
(410) 494-1800  
FAX: (410) 339-3477

10/24/94  
OK

5205-94  
218

October 21, 1994

Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Case Number 95-104-A  
My client: Craig and Suzanne DeMallie

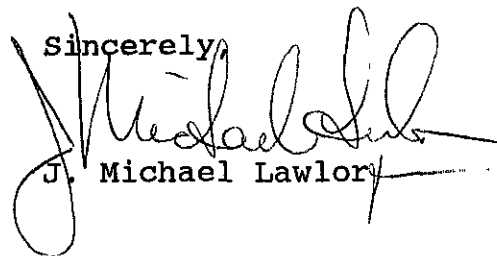
Dear Madam/Sir:

Please be advised that I represent Mr. and Mrs. DeMallie with reference to the above referenced case number. There is a hearing set for Thursday, November 10, 1994 at 2:00 p.m. in Room 106, County Office Building.

I respectfully request a postponement of this hearing as I will be away from my office on vacation in Puerto Rico from Sunday, November 6, 1994 through Monday, November 14, 1994.

Thank you for your cooperation in this matter.

Sincerely,

  
J. Michael Lawlor

JML:pjl

cc: Mr. and Mrs. Craig DeMallie

*Note - Request for PP  
withdrawn by Pat Lumpkin  
of Mr. Lawlor's office.  
Another atty will appear.*

RECEIVED

OCT 21 1994

ZADM



December 15, 1994

Mr. Timothy M. Kotroco  
Deputy Zoning Commissioner  
Room 112 Old Court House  
400 Washington Avenue  
Towson, MD 21204

Re: Case No. 95-104-A (Item 105) Petition for Variance to Provide a Rear Yard Setback of 39 feet in Lieu of the Required 50 feet.

Craig R. and Suzanne R. DeMallie, Petitioners at 323 Murdock Road/Baltimore MD 21212.

Dear Mr. Kotroco:

On Wednesday, December 14, Mr. Don Gerding of 335 Old Trail, Baltimore, MD 21212, provided me with a copy of the Petitioners' Memorandum submitted by Mr. Michael P. Tanczyn, attorney for the Petitioners in the above case heard by you on December 1, 1994. Mr. Tanczyn certified in the Petitioners' Memorandum that a copy of the memorandum was mailed to Mr. Gerding. In this memorandum Mr. Tanczyn addressed Mr. Gerding as Esquire and attorney for the Protestants. In all honesty, I must reply to you that Mr. Tanczyn is absolutely in error on this matter. Mr. Don Gerding is not a lawyer, does not claim to be so, and was not my attorney.

Indeed the above error is characteristic of the submitted memorandum which contains multiple statements that are not consistent with the facts of this case. These include the following:

- P1 & P3      The requested Rear Yard Setback suddenly became 38 feet instead of the 39 feet designated in the petitioners application.
- P2      They claim they consulted with their immediate neighbors as to the proposed rear addition and then contacted the Community Association for approval. ***As I pointed out on p. 3 of The Summation Arguments for the Aggrieved Parties submitted to you on December 8, 1994, Mr. DeMallie told Mr. Zielke about the addition after submitting their proposal to the Rodgers Forge Community Association.*** The same time line of events was also reported by myself during the December 1 hearing. In fact Mr. DeMallie stated at the hearing that they had made the decision to build an addition ***before*** they bought the house.
- P3      Their claim that numerous additions such as theirs currently exist in the community was addressed by myself on p. 7 of my summation arguments. The 9 room size additions represent only 2.2% of the 412 homes in this area of the community. This is not overwhelming support for their position since more than 97% of the homes do not have room size additions!
- P5      Mr. Tanczyn is in error to claim that I "admitted that the model constructed of their addition was not representative of the proper dimensions and existing conditions at the site....as the rear elevations of the proposed improvement." It was Mr. Tanczyn who objected to the model being submitted since he claimed it not to be accurate.

I know the model was built to scale. It should be noted that the model was allowed by yourself to be used for demonstration purposes only.

The DeMallies have been very inconsistent in supplying exact dimensions of their proposed structure. I pointed out in my cross examination of Mr. DeMallie several of these inconsistencies (see p. 6 FILE: H\_941201.MV1). On cross examination, Mr. DeMallie did not show accurate knowledge of the floor height of his own back porch or the height to the top of the flashing at the porch roof line. As pointed out in my summation arguments (p. 5) the height of the addition must slope from a minimum of 9 1/2 to a maximum of 13 feet. These figures are based on information obtained from cross examination of Mr. DeMallie on December 1.

- P5 The issue of shadow as well as air flow was addressed on pp. 5-7 of my summation arguments. I pointed out that their position with regard to shadow is based on faulty logic. With respect to air flow, Mr. Tanczyn makes an issue of the kitchen window being painted shut. When cross examined by Mr. Tanczyn, I answered that we take advantage of cooling breezes by opening the kitchen door and the dining room window adjacent to the porch. Air flow to these openings will be susceptible to the same blockade of breezes as is that of the kitchen window. In my presentation ( see p. 9 FILE: H\_941201.MV1) I also testified to the fact that our porch where I and Mr. Zielke often sit on hot summer evenings to enjoy summer breezes will be affected not only by the blockage of air flow but also by the noise and hot air of their air conditioner placed such as to blow towards our porch. Our own air conditioner is used infrequently. I also pointed out that air flow to our yard will also be blocked.
- P5 I question the relevancy to the variance request of the Petitioners' issue concerning the alley fence on my property and its need (?) for replacement.
- P6 The petitioners have not shown practical difficulty in this issue. Planned communities of row homes such as found in Rodgers Forge are not designed to accommodate large additions as proposed by the DeMallies. The DeMallies failed to determine the need for a variance both before buying their home and before initiating their remodeling. This failure was shown in cross examination of Mr. DeMallie. It is unreasonable to impose on the immediate neighbors in a row house community the loss of the use of a back yard for gardening due to a decrease in afternoon light, the loss of cooling summer breezes for yard, porch and home, and the loss of afternoon light to a significant number of the windows on their first floor due to the DeMallie's failure to do their homework before buying their home.

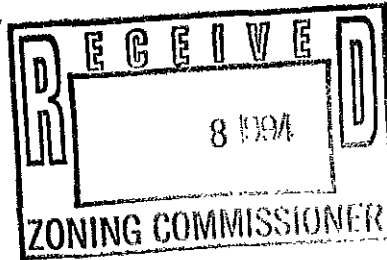
Respectfully submitted,



Carol L. Zielke  
325 Murdock Road  
Baltimore, MD 21212



Case No. 95-104-A (Item 105)  
Carol L. Zielke, Spokesperson  
for the Aggrieved Parties  
325 Murdock Road  
Baltimore, MD 21212



December 8, 1994

Mr. Timothy M. Kotroco  
Deputy Zoning Commissioner  
Room 112 Old Court House  
400 Washington Avenue  
Towson, MD 21204

Dear Mr. Kotroco:

**RE: SUMMATION ARGUMENTS FOR THE AGGRIEVED PARTIES**

**Case No. 95-104-A (Item 105)/Hearing December 1, 1994**

My husband, myself and the protesting neighbors who were present at the variance hearing concur that Mr. and Mrs. Craig DeMallie in their presentation did not meet the criteria required for issuance of a zoning variance: that of practical difficulty or unreasonable hardship. Mr. and Mrs. Demallie are healthy young adults with no children living in a large 5 bedroom home. During the hearing it was established that this addition was to be a habitable room where the DeMallies would be eating daily and watching television. The addition would contain both an air conditioner and a heating unit. They want this addition so that their daily living activities of eating and watching television will not clutter up their dining room and living room which are to be used only on formal occasions. This simply is not sufficient justification for the requested variance. The DeMallies' attorney claims that our opposition to this variance request and to the construction of their addition is self serving. I ask, what

Case No. 95-104-A (Item 105)  
Carol L. Zielke, Spokesperson  
for the Aggrieved Parties  
325 Murdock Road  
Baltimore, MD 21212

could be more self serving than their desire not to use 80% of the available floor space on their first floor while building an addition which will limit the Zielkes' use of their small yard and decrease the quality of life in their home due to reduction of light and ventilation? Furthermore, the allowance of any large room-size addition in Rodgers Forge, a planned community, reduces the open areas behind the homes; these open areas were designed to protect the health, safety and general welfare of the community.

The Rodgers Forge Community Association Architectural Review Committee, has reviewed and denied the petitioners' request for an addition. The association presented convincing evidence that it continues to enforce architectural uniformity both through its review committee and its participation in public hearings. Furthermore, the association presented precedent cases that apply to our community; these cases should be taken into consideration.

A letter submitted by Christopher and Linda Miller succinctly touches upon the many aspects of living in such a planned community as ours. The needs of the community are not met when residents impose large additions upon their neighbors. Their letter shows the kind of support members of the community demonstrate towards the Rodgers Forge Community Association which strives to preserve the architectural integrity and consistency of our community.

I would like to summarize and address several very specific points which were pursued during the hearing: 1) information supplied by the DeMallies to the Zielkes

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Carol L. Zielke, Spokesperson  
for the Aggrieved Parties  
325 Murdock Road  
Baltimore, MD 21212

and the timing of communications, 2) past demonstration by the Zielkes of their concern for the Rodgers Forge Community, 3) the effect of the "addition" on availability of light and air flow, 4) the state of the DeMallie home at time of purchase, and 5) inappropriate maneuvers of the DeMallies' attorney.

1. Information supplied by the DeMallies to the Zielkes and the timing of communications. Mr. Zielke was told sometime last summer that the DeMallies had submitted a proposal to the Rodgers Forge Community Association Architectural Review Committee for an addition. Mr. DeMallie told Mr. Zielke it was to be a SUNROOM. After that Mr. DeMallie referred to it as an ADDITION. Once the community association turned down the DeMallies' request, Mr. Zielke and I thought the issue was dead. Why say no to someone and upset neighborly relations when the community association to whom they had applied for approval had already said "No". In a conversation Mr. Zielke and I had with Mr. DeMallie at that time I told him that I thought a zoning variance and a public hearing were required before any addition could be built in this community. I informed Mr. DeMallie that someone in the 400 block Murdock some years ago had been refused a variance for an addition.

No drawings, photos, or descriptive material were presented to Mr. Zielke and myself until the property's first posting the week of October 1 asking the community "shall there be a hearing?" In reference to the kitchen, Mr. Zielke and I did not know they were remodeling the kitchen until they started work in either late August or early September. By the time of posting, renovations to the kitchen were completed or

were in progress. Only then did Mr. DeMallie tell Mr. Zielke and me that the remodeling of the kitchen was related to their addition. As a matter of fact Mr. Zielke and I were astonished that they were planning on eating breakfast in a glass encased sunroom adjacent to our porch.

**2. Past demonstration by the Zielkes of their concern for the Rodgers Forge Community.** Their lawyer implied that my opposition to the DeMallies' variance request is only self serving and that I had not participated in other variance hearings. In our 19 years residence in Rodgers Forge I have seen only one variance sign related to an addition. That request was turned down. I have not spoken out at other variance hearings because I have not seen any public postings concerning additions. How many postings have there actually been? When? Where?

This is my home. I care about my community and have contributed to the community in a number of ways. Recently I spoke at the hearing where BART requested a change in development plan regarding the placement of a restaurant in the York Road Plaza. Some years past I attended several meetings of the Towson Association of Community Associations when issues concerning the community were discussed. When WMAR wanted to put a heliport adjacent to primary school buildings, I voiced my concern to Jean DeVall of the Community Association. I also *expressed my concern to her when it was proposed to place arcade machines in the ice cream shop that was once located next to Purdum's Pharmacy.* Mr. Zielke and I worked to keep the #8 bus running to the University of Maryland Hospital when the

MTA proposed to reroute the #8 bus to the Inner Harbor. My husband collected signatures of several hundred bus riders and we both spoke before the MTA at a public hearing on this matter. At a separate public meeting he and I were among those who convinced the MTA to keep the #11 bus line on Bellona Avenue adjacent to Rodgers Forge rather than have it travel only along Charles Street. The above indicate that during our years of residence here my husband and I have participated in many issues that affect the quality of life in Rodgers Forge.

**3. The effect of the "addition" on availability of light and air flow.** The size and height of this addition coupled with the enormous 2-car garage on the property will affect the availability of light and air flow to the Zielke property. With respect to the addition itself, its actual height is in dispute. The DeMallies presented a sketch showing a roof height from 9 feet at the south end to 11 feet where the roof joins the house. We presented evidence at the hearing that the actual roof height slopes from 9 1/2 to 13 feet. This evidence included the following: a) measurements of our own porch and the height of their porch floor; b) Mr. DeMallie's testimony that there would not be a step down from the kitchen to the floor of the addition and that the roof would cover the original flashing; and c) two photos showing their porch roof to be higher than our porch roof.

Consequently, I find it difficult to understand their lawyer's argument that a structure 9 1/2 - 13 feet tall protruding in a southerly direction would not cast a shadow to the east side of it as the sun moves to the western sky! If one looks

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Carol L. Zielke, Spokesperson  
for the Aggrieved Parties  
325 Murdock Road  
Baltimore, MD 21212

carefully at the photo I submitted with the shadow of the garage (Photo F) one can also see the shadows of the step railing and the porch rails. These rails measure 31" in height. Their afternoon shadows are cast predominantly to the east side. An addition as tall as proposed will cast an even longer shadow. During the summer months, shadow is cast completely sideways since the sun moves directly west in the summer sky. For a good part of each afternoon, our rear porch and dining room windows will be darkened by the shadow cast by the addition. After 19 summers of living at 325 Murdock, I certainly know what direction and to what extent shadows fall.

Their argument that the privacy fence recently installed by themselves already causes blockage of light is erroneous; the sunlight from the west will be first blocked by the addition which is between the light source and the fence. Since the average height of the addition is approximately twice that of the fence, much of the time the fence shadow will fall within the shadow cast by the addition. During the afternoon and evening, as the sun continues its tract to the west and to descend, its rays transverse the back porch from underneath the porch roof. The fence does not block these rays which light up our back door and the windows of the kitchen and dining room; however, the addition will block these rays since its roof will be higher than our porch. Consequently, the Zielke household will experience a considerable decrease in available light. A letter written by Adrien Rothschild which accompanies our summation arguments addresses the health consequences of reduced light most

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Carol L. Zielke, Spokesperson  
for the Aggrieved Parties  
325 Murdock Road  
Baltimore, MD 21212

eloquently. While a simple privacy fence can be dismantled, an addition is forever. Should the DeMallie's ever move they will leave behind their addition--a white elephant that the neighborhood did not want in the first place.

As for air, have we not all ducked around the corner of a building to get out of the wind? With the dominant breezes being from a westerly direction, most of our yard and the south first floor windows and door will now be in the dead space behind a building. That a pre-existing accessory building, the garage, currently interferes with air flow is no reason to approve another structure which will compound the problem.

Their lawyer criticized my contention that the mass of this addition was too great for the site. I strongly maintain that from the vantage of a person standing at ground level the mass of this addition is too bulky for the site where a bulky accessory building, the two car garage, is also situated. An individual feels overwhelmed and hemmed in by these structures. As I showed in my presentation, existing alterations in this section of Rodgers Forge are more likely to be enclosures of the original small porches. The petitioners exhibits 2 and 4 confirm this. Their data indicate the presence of 13 small enclosed 5x8 porches, 3 screened porches, and only 9 additions within the old section of 412 homes.

**4. The state of the DeMallie home at time of purchase.** At the beginning of their presentation, the DeMallies made a point of the home they purchased being a vacant home thereby implying that Rodgers Forge is a community of poorly kept homes. I thought that insulting to the Hall family who through the 55 years that they

owned the home spent considerable money on taking care of the slate roof and the gutters with yearly inspection and repairs and frequent painting of the exterior trim. Their home was elegantly furnished. During the two years that Mrs. Hall was at Pickersgill Home, the family cared for the house and grounds. The snow was shoveled, the grass was cut, flowers were planted, and bushes were pruned to maintain its lived in appearance. The house was not vacant during this time as the family did not remove any furniture until just before the time of sale.

I commend the DeMallies on sprucing up their home. However, many of my other neighbors have done very much the same thing. Many others including my husband and myself have put thousands of dollars into our homes to modernize them both initially and through the years. That is part of home ownership. We have never felt that this qualified us for special consideration. It's just expected in this neighborhood of very fine homes and wonderful people.

**5. Inappropriate maneuvers of the DeMallies' attorney.** There were several improper maneuvers orchestrated by the petitioners and their lawyer. I thought it was very inappropriate of them to insult a neighbor protesting the addition by submitting as an exhibit at the hearing photographs of a garden which had recently succumbed to a case of severe frost bite. It was also inappropriate that the lawyer prolonged the questioning of my presentation with repetitious questions. This prevented many neighbors who had come to protest this variance from speaking. Some Rodgers Forge residents had to leave before the end of the proceedings to return to their jobs or



Case No. 95-104-A (Item 105)  
Carol L. Zielke, Spokesperson  
for the Aggrieved Parties  
325 Murdock Road  
Baltimore, MD 21212

family responsibilities. A total of 16 residents of Rodgers Forge took time from work, their family, or busy schedules to attend the hearing and sign as protestants. Many came for a second time because they felt very strongly about the issue that Rodgers Forge should maintain its architectural standards. Letters were submitted from 16 community residents who were unable to attend. Some of the protestants who were not able to speak will also be sending letters. The number of protestants at this point is 32 or higher, agreeing with the overall protestant position of the Rodgers Forge Community Association which represents a vast majority of the community in this specific issue. The DeMallies were able to obtain support from only six households.

In conclusion, this request for a variance for rear yard set back to 39 feet in lieu of 50 feet for purpose of an addition should be denied. If the DeMallies need more space, they can create a family room in their large basement, which at 735 square feet is almost 5 times the area of the addition they propose to build. This is the manner by which Rodgers Forge families solve their need for more space.

Respectfully submitted



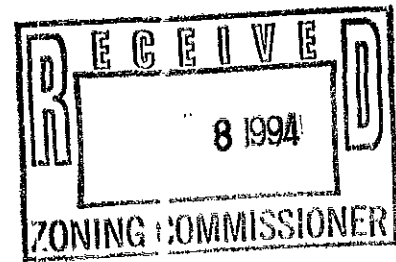
Carol L. Zielke, Spokesperson

For the Aggrieved Parties

325 Murdock Road

Baltimore, Md 21212

December 8, 1994



Mr. Timothy M. Kotroco  
Deputy Zoning Commissioner  
Room 112 Old Court House  
400 Washington Avenue  
Towson, MD 21204

Dear Mr. Kotroco:

Enclosed are the following items (original copies) required for completion of the hearing concerning Case No. 95-104-A(Item 105) which took place on December 1, 1994 in Room 106 of the County Office Building:

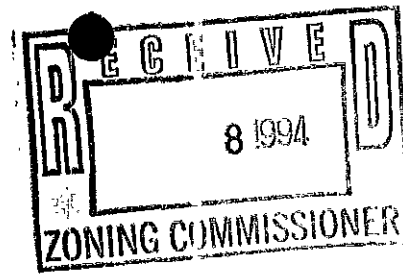
- 1) The list of questions directed to the petitioner and asked by Carol L. Zielke, spokesperson for the aggrieved parties.
- 2) The presentation of Carol L. Zielke stating her objections to the petitioners' request for a variance.
- 3) The Summation Arguments for the aggrieved parties, prepared by Carol L. Zielke.
- 4) A letter from Adrien Rothschild, a protesting property owner in the community.

Sincerely yours,

Carol L. Zielke  
325 Murdock Rd.  
Baltimore, MD 21212

Mr. Timothy M. Kotroco  
Deputy Zoning Commissioner

Case No. 95-104-A (Item 105)  
Carol L. Zielke, aggrieved party  
325 Murdock Rd.  
Baltimore, Md. 21212



## QUESTIONS TO BE ASKED BY SPOKESPERSON

To demonstrate that the neighbors appreciate the improvements made by the DeMallie's to their home at 323 Murdock Road and that there is no ongoing animosity between the parties:

Since Craig and Suzanne purchased their home in 1993, they have made many fine improvements to the house many of which they have been done themselves. They are a very energetic young couple. All their neighbors including my husband and myself appreciate their efforts.

Craig, Ron and I have expressed our gratitude to you for installing additional exterior lighting in front and for removing much of the overgrown shrubbery, have we not?

In the summer of '93 we expressed gratitude to Craig for keeping the 3 foot fence between our properties, did we not?

We have worried about Craig scaling ladders to the 3rd floor to paint the house exterior.

And Suzanne does a great job caring for the flowers and mowing the lawn and she is a gifted pianist.

The entire neighborhood loves your adorable dog, Mattie.

Will you acknowledge that there are no previous disputes or disagreements between yourself, ourselves, or any of the neighbors?

Our only disagreement is over this addition.

Respectfully submitted  
Carol L. Zielke  
Hearing Date: 12-01-94

Case No. 95-104-A(Item 105)  
Carol L. Zielke, aggrieved party  
325 Murdock Rd.  
Baltimore, Md. 21212

**To establish when the petitioners decided to put on an addition and whether or not alternative solutions were considered:**

Craig, you told us in October that at the time you purchased your home you choose an end of group so you could build an addition to the back of the house, correct?

So it must have been obvious to you before you bought the house that the kitchen was too small to suit yourselves?

And I suppose before you bought the house you never asked Baltimore County Zoning whether or not this property was subject to setback restrictions?

Before submitting your plans for this addition did you consult with an architect or with a professional certified in kitchen design to suggest alternative designs for expanding the kitchen?

For example, your home is two feet wider and two feet longer than our own, which gives you 108 square feet more floor space than the inside group homes. This could allow for removing or relocating some of the interior walls to remodel the 1st floor layout. *[Possible suggestions: the walls surrounding the landing to the basement stairway or the wall between the kitchen and dining room].*

So from the very beginning the only solution you and Suzanne have considered is a large addition to the back of the house?

As further evidence that this addition was planned without consideration of alternative plans:

In the fall of 1993, Craig painted all exterior trim and windows a gold color and added green shutters to all windows except one. The latter is the one to be covered by the addition. All this was done before anyone in the neighborhood knew about the addition. **[PRESENT PHOTOS A & C]**

Case No. 95-104-A(Item 105)  
Carol L. Zielke, aggrieved party  
325 Murdock Rd.  
Baltimore, Md. 21212

**To establish that the DeMallie's never formally presented drawings or plans of the addition to the Zielke's or requested an OK for a Zoning Variance.**

Craig, when did you find out that a rear yard setback was required to build the proposed addition?

Was this before or after you contracted with the builder to put on the addition?

During the application process for the variance request did you formally show either of the neighbors at 321 and 325 Murdock Road pictures or drawings of this addition?

So neither neighbor saw any real plans before the October 1, 1994 posting of the property?

Did you ever tell either of us you needed our permission to get a variance for a rear yard setback?

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Carol L. Zielke, aggrieved party  
325 Murdock Rd.  
Baltimore, Md. 21212

**Questions on the use of the room by the petitioners and their demonstrating practical need for the addition or evidence of hardship:**

The application indicates that you want an eat-in kitchen or breakfast room. You recently remodeled your kitchen ( 110 sq. feet) so do you really need another 150 square feet just for eating?

Where in the addition will your eating area be located?

[PRESENT DIAGRAM 1]

Our two kitchens are mirror images of each other. The doorway from the kitchen to the dining room is 3 1/2 feet from the door to your porch.

From a position in front of the kitchen-dining room doorway, roughly how many steps is it to your dining room table?

From this same position, how many steps will it be to the eating area in the addition?

From a practical point of view, is there any difference between walking to the table in your dining room and walking to a table in this addition?

Furthermore, since both of you are healthy young adults without any disabilities, ~~I don't understand~~ how not having this addition creates ~~a~~ significant hardship for you?  
can

Case No. 95-104-A(Item 105)  
Carol L. Zielke, aggrieved party  
325 Murdock Rd.  
Baltimore, Md. 21212

## **Establishment of accurate dimensions of the proposed structure**

### **STRUCTURE WIDTH AND DEPTH**

Craig, the Plat [DIAGRAM 2] which accompanies your petition for Zoning Variance shows your home to be 22 feet in width. On the rough sketch of the addition you show a total width of 15 feet for the new room. However, on the more detailed sketch [DIAGRAM 1] which you presented to neighbors at an information meeting on November 21, the sum of the additions 15 foot width and the 2 foot and 3 foot side set backs from the outside walls adds up to 20 feet.

Will the width of this addition stretch 2 feet as the width of your house stretches 2 feet to make up for this error?

The depth of the addition is stated to be 10 feet. Is this the inside or exterior dimension?

*omit*  
[Craig, the legend to the photographic close-up of the rear of your house states that the addition will extend out to 1 foot past the edge of the concrete apron. We measured our apron which is the same depth as yours. It's eight feet deep. You will agree, therefore, that the addition will protrude 2 feet beyond the concrete apron?]

### **ROOF HEIGHT**

We would like to clarify the maximum height of the roof for the addition. You indicated to us that you were going to maintain the original roof line of the porch for this addition. I am not certain what that means. In the zoning application you give a height of 8 feet and in your more detailed sketch from November 21, 1994 you indicate a foundation height of ~~7~~ <sup>1 1/2 feet</sup> foot with a maximum height of 11 feet for the roof. We have measured our porch height as being 11 feet 9 inches from the concrete apron. Two pictures taken by myself in early October, 1994, show your porch and ours. [Present PHOTOS B & C]. Your roof line is obviously higher than ours. This difference is about 9 to 10 inches making your roof height at least 12 feet 6 inches.

[DeMallie's concrete apron is 3 1/2" above that of 325 Murdock Rd and the porch floor is 22 1/2" above their concrete apron while the Zielke's porch floor is only 16" above the concrete apron See PHOTO B]

Do you intend to lower the roof by 18 inches?

## PRACTICAL CONCERNS ON USE

If indeed you do lower the roof, and one can accept the  $1\frac{1}{2}$  foot foundation height as being accurate, doesn't this mean you must step down several steps from the kitchen every time you use this area to eat?

That doesn't sound like a good practical solution to the problem of an eat-in kitchen.

## ADDITIONAL CONCERNS

Where will the drain spouts for the roof be directed? None are indicated on the drawing.

What type of foundation will be used for this addition; i.e., will it be concrete block, brick, or pressure treated wood?

Will you be breaking into the concrete apron in order to place the foundation?

Will the floors be wood? *tile ceramic*

Will you clarify the exact distance that the east wall of the addition will be from the property line?

This wall is to be wood siding to match the garage?

What is the fire-resistive rating of this wall?

Craig, now that you have placed a six foot stockade fence [Present PHOTO D] of construction grade wood inside the property line between our yards, might this necessitate up-grading the fire-resistive rating of the wall? After all the fence is highly flammable and only a foot from our porch and less than three feet from the addition wall.

Will there be any large appliances in this room, such as would generate fumes or heat that would require venting or might cause a fire hazard?

Are you aware that the air conditioner/heater on the northeast side of your addition will be only two feet from the Zielke's back porch with its blower directed towards the porch at 325 Murdock Road?

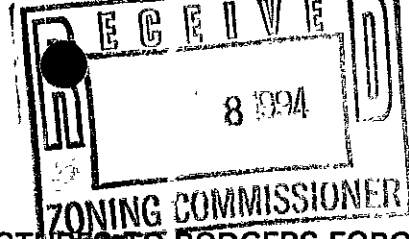
*Note to myself: Section R202.1 in CABO requires that exterior walls located less than 3 feet from the property line shall meet a fire-resistive rating of not less than 1-hour and that these walls be rated from both sides.*



Mr. Timothy M. Kotroco  
Deputy Zoning Commissioner

Case No. 95-104-A (Item 105)  
Carol L. Zielke, aggrieved party  
325 Murdock Rd.  
Baltimore, Md. 21212

PRESENTATION



**CONCERNING THE PHOTOGRAPHS OF ENCLOSED STRUCTURES TO RODGERS FORGE HOMES:**

There is a good probability that many of the structures listed by the petitioners were built before Baltimore County Zoning Regulations were adopted in 1955. Certainly none of the structures presented have been built in the last 5 years, as I could find no building permits issued for such work to these properties when I went through the Permit Archives [Book II, Address Sequences, Permits and Licenses Room 100]. The burden of proof rests with the petitioner to show which of these structures were built with valid building permits.

Furthermore, of the twenty five structures submitted for consideration by the petitioner, we consider many to be poor examples for justifying this large size addition and therefore wish to exclude them:

The structure at 223 Hopkins Road is a change in building materials for the porch itself and is not a habitable room as described in Section R-118 of CABO, One and Two Family Building Code (p. 7).

Three structures are screened porches (412 Dunkirk Rd, 309 Hopkins Rd, and 328 Hopkins Rd) and likewise are not habitable rooms.

Six structures (401 Murdock Rd, 411 Murdock Rd, 301 Dunkirk Rd, 321 Dunkirk Rd, 323 Dunkirk Rd, and 326 Hopkins Rd) are enclosures of the original small back porches (5' x 8') constructed by the developer. The enclosure of some of these probably predate institution of zoning regulations.

Two structures (200 Regester Avenue and 311 Dunkirk Road) represent slightly larger versions of enclosed, original porches.

One structure, 409 Murdock Road, is a glass enclosed side porch. This side porch is probably original to the house since there are a number of EOG homes in the community with side entrances & porches. This porch has been enclosed all of the 19 years I have resided in Rodgers Forge and its enclosure may predate the institution of the 1955 zoning regulations.

Four of the full width additions listed are not in the original section of Rodgers Forge (Section A, unregistered Plat Map, Book 12, p. 57). These are 157 Regester Avenue, 109 Glen Argyle Road, 111 Glen Argyle Road and 113 Glen Argyle Road.

That leaves 8 structures which are large room-like additions to homes in Section A of Rodgers Forge. These represent less than 2% of the 412 homes in Section A of Rodgers Forge and for many their date of construction may predate certain county zoning regulations.

## PRESENTATION

We have come here today because several of us sought a public hearing on this variance request for a rear yard set back from 50 feet to 39 feet for the purpose of an addition to 323 Murdock Rd. As the aggrieved parties we are against granting this variance request.

The DeMallie's have said that their small kitchen creates a hardship for them in that they do not have adequate space to serve meals in the kitchen itself. It is obvious from my questioning, that Craig and Suzanne knew at the time they bought the house that the kitchen was ~~too~~ small, but they reasoned they would simply put on an addition. In the almost two years they have lived in the house, they never considered anything less. Last summer, I told Craig that I thought a public hearing was required to obtain a zoning variance before an addition could be constructed. I also told him that several years ago a homeowner in the 400 block of Murdock Road had requested such a variance and was denied. Unfortunately the DeMallie's did not check with Baltimore County Zoning about setback requirements and the need for a variance either before buying the house or before contracting for the work to be done. I and many others do not agree that the DeMallie's have demonstrated unreasonable hardship or practical difficulty for receiving a variance [307.1] to build this massive addition. What hardship is there in walking from their new kitchen to their dining room. Is it worse than the walk to the breakfast room which is no closer? *It may involve several steps.* Furthermore, one does not need 150 square feet for eating breakfast. Their hardship is merely a difference in life style.

Their solution, to build a 150 square foot addition onto the back of their home, will lead to a deterioration in the quality of life for myself and my family. The lengths of their garage wall (19'8"), the parking pad (8'), and the 10 foot length of the addition effectively creates a wall for 75% of the length of the property line. This picture [Present PHOTO E] shows just how close this wall will be to our property. When we took this picture the end of the stick measured 2 1/2 feet from the property line. Recently we were told that the wall will be set back an additional 6 inches. It's still very close-- one small azalea bush away from our backyard. This wall will block air flow to our home at 325 Murdock Road. In the hot summer months we will not be able to enjoy cooling breezes from the west in our yard, on our porch or through the dining room windows. We especially enjoy these breezes in the evening after coming home from work. The decreased ventilation will interfere with dissipation of smoke and fumes from summer grills and other air polluting devices. The heat from their air conditioner [EXHIBIT 1] directed at our porch and its accompanying noise will make it impossible for us to sit and talk quietly on this porch. If any other vents are directed at our property, we will feel like we have become the garbage dump for 323 Murdock Road. Proper zoning is supposed to protect residents from such abuses by neighbors.

Case No. 95-104-A (Item 105)  
Carol L. Zielke, aggrieved party  
325 Murdock Rd.  
Baltimore, Md. 21212

Furthermore, the height of this structure [whether it be 9 to 11 feet or 10 to 12 1/2 feet] in concert with its 10 foot length and the massive size of the garage will interfere with adequate light and air [502.1.f] by blocking the western sunlight during the afternoon. In summer the increased duration of shade produced by this addition will affect the type of plants which can be cultivated in the back yard limiting gardening to predominantly shade plants. In fall and winter it will interfere with light to the kitchen and house. An example of the extent of shadow already cast by the two car garage is shown in this picture. [Present PHOTO F] It was taken around 4:30 P.M. in early October. The north east corner of the garage is 15 feet from the edge of the porch steps of 325 Murdock. The shadow of the garage with a roof height similar to that of the addition falls 5 feet from the back face of 325 Murdock Road. The addition which will protrude 10 feet into the rear yard space, <sup>at 325 Murdock</sup> will produce a shadow which will fall over the entire porch and over most of the dining room window. Gloomy darkness will descend much sooner for this household if this addition goes up. We must all remember, living in an inside row house is like living in a tunnel. There is light only at the ends. Reducing light further will be unhealthy for the occupants of this home. I for example work all day in an office and labs where there are no windows. I crave what sunlight I can enjoy on my weekends at home. Even though I may spend most of my time in the kitchen or dining room, the light coming in those windows is very important for me.

There is also concern about the direction of drainage of water from the roof. The property of 325 Murdock Road already drains the water from the three attached houses. Water from the roof of the large addition if directed towards the adjacent property at 325 Murdock could oversaturate the soil possibly leading to water in the basement of <sup>our</sup> this property with potential for mold growth leading to respiratory problems for the occupants of this dwelling.

↓  
*during periods of heavy rain. This could lead*

Case No. 95-104-A(Item 105)  
Carol L. Zielke, aggrieved party  
325 Murdock Rd.  
Baltimore, Md. 21212

I have spoken how this addition affects my family personally, but more importantly I think this hearing must address the appropriateness of the architectural design of this addition within the community and how this addition brings injury to public health, safety and the general welfare of the community. I will first address the appropriateness of the architectural design.

## ARCHITECTURAL DESIGN

Let us look at pictures taken at the site and at a 3 dimensional model of the addition in relationship to its site, the houses and the other accessory buildings. [Scale 1 cm to 1 foot]

To the Zoning Commissioner: We have also prepared photographs of the model for submission to your files if this would be preferred by you.

My arguments are based on Section 304.2.B.2 of the Baltimore County Zoning Regulations [1987 Edition, Revised November, 1992] which states that appropriateness shall be evaluated based upon one or more architectural design elements or aspects.

*[Note: After I speak, Don Gerding, representing the Rodgers Forge Community Association, will present cases from the Court of Appeals which relate directly to the appropriateness of these arguments as applied to cases in the Rodgers Forge Community.]<sup>1 2 3}</sup>*

This picture represents the two-car garage [Present PHOTO G] located on the property at 323 Murdock Rd. A similar garage is shared by the properties of 325 and 327 Murdock Road. There is also a photo showing the open character of the rear yard of 323 Murdock Road [Present PHOTO H].

Let us go now to a three dimensional model of the site as it currently exists. Notice first the bulk of the two-car garage at 323 Murdock Rd which in combination with the equally bulky two-car garage shared by 325 and 327 Murdock Rd blocks in the yard of the property of 325 Murdock [304.2.B.2.b]. It creates a very narrow, dark back yard between the two garages. [Present MODEL & PHOTOS I-L] See I.

There is an architectural rhythm [304.2.B.2.c] generated by the small 5 x 8 original porches on each of the 5 homes in this group [See Photos I & K]. Only the

---

<sup>1</sup>Alpern

<sup>2</sup>Ingolia

<sup>3</sup>Kirkly

Case No. 95-104-A (Item 105)  
Carol L. Zielke, aggrieved party  
325 Murdock Rd.  
Baltimore, Md. 21212

first three are shown. These porches do not impose any further bulk into the site and they provide unimpeded site line for everyone in this group of houses.

Furthermore, the continuity of the adjacent backyards with the large side yard at 323 Murdock provide the residents of the five house a degree of planned openness that eliminates any feeling of crowding.

Now we replace the small porch at 323 Murdock Road with the structure proposed by the owners of this home. [See Photos J & L]

The architectural rhythm is immediately broken [304.2.B.2.c] by the considerable bulk [304.2.B.2.c] added to the site. This has a major impact on the yard of 325 Murdock Road. For the latter property you might as well be putting a brick wall along the western side of this yard. Seventy-five percent of the western edge is now building. It's Urbanscape for the owners of this property. *Furthermore it effects the sight line for all the properties east of it.*

The size of this addition is so massive in relationship to the site and other structures at the site, that no matter where one places it, it looks WRONG!!!

*additional*  
An ~~final~~ point regarding architectural design is that the all wood and glass construction of this addition with its non-slate roof is out of character with the existing ~~structures~~ *homes* in the neighborhood which are built of brick and slate [304.2.B.2.f].

*Earlier* → The petitioners ~~have~~ presented as support for their case ~~that there are 8~~ additions in the old section of Rodgers Forge which are a size comparable to their proposed addition. It is unlikely that any of these structures would meet the current architectural design regulations of Baltimore County *which were inst. tated in 1992,*

*These ~~and~~ are other design elements such as the proportion of window and door sizes <sup>port walls</sup> as well as the roof treatment that could be addressed. However I feel that for this addition the elements of mass, rhythm and materials are the major concerns.*

*None of these appear to have been built in the last  
first years.*

Case No. 95-104-A (Item 105)  
Carol L. Zielke, aggrieved party  
325 Murdock Rd.  
Baltimore, Md. 21212

## THE DELETERIOUS EFFECTS ON THE COMMUNITY

In planned communities such as Rodgers Forge zoning regulation for backyard and side yard set backs preserves open areas which are a critical part of the overall architectural design of the community. It is important to maintain these open areas as they impact on the physical and mental health, safety, and public welfare of everyone in the community.

With respect to health, adequate ventilation and sunlight are important. Certain social issues are also important. These include individual privacy which is maintained by the lack of windows facing laterally towards the yards. The lack of intrusion by buildings also allows neighbors to get to know one another over the back fence. This prevents some of the alienation common to modern urban life. Without these open areas a row house community would be like a high-rise apartment building lying on its side!

*This builds community*

The open rear yards contribute to our safety, preventing the spread of fire by literally providing a fire lane - no fuel, no fire.

In our community crime is a major concern to everyone. An unimpeded sight line makes it possible for neighbors to keep an eye on a vacationing neighbor's property to reduce the probability of burglaries. Massive additions intrude into the site line making it easier for prowlers to hide.

With Respect to General Welfare the open yards maintain property values since the community looks less urban and less congested. Furthermore, these property values are dependent on buyers perceiving our community as being a safe place to live.

*Finally* maintaining the exteriors of the homes according to community architectural standards also improves home values. ~~It's~~ The Community is perceived as a place that cares about its image!

Respectfully Submitted  
Carol L. Zielke  
Hearing Date: 12-01-94

11/7/94  
JLB for file  
November 3, 1994  
325 Murdock Road  
Baltimore, MD 21212

Mr. Arnold Jablon, Director  
Zoning Administration  
and Development Management  
Baltimore County Office Building  
111 West Chesapeake Ave.  
Towson, MD 21204

Dear Mr. Jablon:

Enclosed is a copy of a letter sent to the legal counsel for  
Case # 95-104-A (Item 105) which goes to hearing on  
November 10, 1994. The county failed to post the DeMallie  
property for the required 15 days.

Sincerely yours,

Carol L. Zielke  
Horst R. Zielke

Carol L. Zielke  
Horst R. Zielke

RECEIVED  
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ZADM

November 3, 1994  
325 Murdock Road  
Baltimore, MD 21212

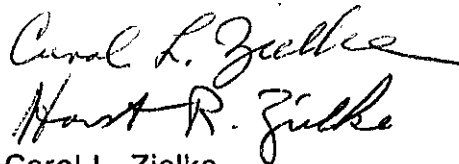
Mr. J. Michael Lawlor  
606 Baltimore Avenue  
Suite 204  
Towson, Maryland 21204

Dear Mr. Lawlor:

We understand that you are the legal representative for Mr. and Mrs. Craig DeMallie of 323 Murdock Road in Baltimore County who are requesting a variance in the 50 foot rear-yard setback for their property for purpose of an addition (BCZ Case # 95-104-A (Item No. 105)).

This letter is to inform you that for various reasons your clients property was not properly posted by Baltimore County Zoning for the required 15 day public posting time prior to their hearing on this variance request. The sign was not posted until Wednesday, November 2, 1994 which represents only an eight day posting before the November 10th hearing date. Your clients need to be aware of this and that in all fairness they have a right to a 15 day public posting.

Sincerely yours,

The block contains two handwritten signatures in cursive. The first signature is "Carol L. Zielke" and the second signature is "Horst R. Zielke".

Carol L. Zielke  
Horst R. Zielke

cc to: Arnold Jablon, Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
111 W. Chesapeake Ave.  
Towson, MD 21204



10/11/94  
J.O.

4976-94

October 7, 1994

Mr. Arnold Jablon, Director  
Zoning Administration and Development Management  
County Office Building  
111 West Chesapeake Ave.  
Towson, MD. 21204

Dear Mr. Jablon:

We are writing to formally request a public hearing for Case #95-104-A. This case concerns a property at 323 Murdock Road owned by Mr. and Mrs. Craig DeMallie who desire a reduction in their backyard setback from 50 feet to 39 feet. This variance will have a major impact on our property which shares a common wall with theirs. The proposed structure will be approximately two feet from our property. We strongly feel that this case deserves a public hearing.

We are enclosing a check for \$40.00 to cover the processing of this request.

Sincerely yours,

*H. Ronald Zielke*  
*Carol L. Zielke*

H. Ronald Zielke  
Carol L. Zielke  
Legal owners , of  
325 Murdock Rd.  
Baltimore, MD. 21212  
Phone: 706-6911 W; 377-2169 H

RECEIVED

OCT 11 1994

ZADM

*File*  
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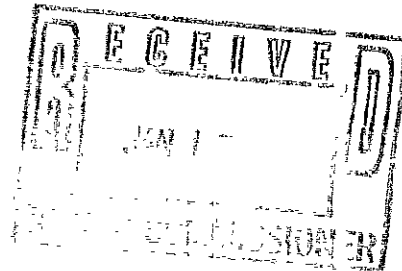
Law Offices  
**MICHAEL P. TANCZYN, P.A.**

Suite 106, 606 Baltimore Avenue  
Towson, Maryland 21204  
(410) 296-8823 - (410) 296-8824  
Fax: (410) 296-8827  
Computer Fax: (410) 296-2848

January 16, 1995

Honorable Timothy Kotroco  
Deputy Zoning Commissioner  
Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

Re: Case No. 95-104-A  
323 Murdock Road



Dear Mr. Kotroco:

I know that the hearing has closed some time ago and that your Decision is imminent, if not made already.

I am writing to make you aware that as of December 23, 1994 the Rogers Forge Community Association, in settlement of other litigation, issued the enclosed letter for what is now Case No. 95-222-A indicating their approval of a larger structure with skylights to be added to the rear of a Rogers Forge townhome not far from the DeMallie's. As you can tell from the letter, Rogers Forge has no objection to the Variance and they have developed new architectural standards since their testimony before you.

We therefore submit this for your consideration.

Very truly yours,

*Michael P. Tanczyn*  
Michael P. Tanczyn

MPT/ed  
Enclosure

cc: Mr. J. Donald Gerding  
Mr. & Mrs. Craig DeMallie

# *The Rodgers Forge Community, Inc.*

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE  
BALTIMORE, MD. 21212

December 23, 1994

Mr. Raymond J. Peroutka  
220 Dunkirk Road  
Baltimore, Maryland 21212

Re: Proposed Enclosure

Dear Mr. Peroutka:

The Rodgers Forge Community, Inc. (the "Association"), acting through its Board of Governors and its architectural committee, has reviewed, in detail, the plans that you submitted for the enclosure of the porch at the rear of your home at 220 Dunkirk Road. Members of the architectural committee also met with you to discuss these plans. Copies of the plans for the proposed enclosure submitted by you and considered by the Board are attached.

This letter is to inform you that the committee approves your plans for the proposed enclosure. Accordingly, no officer or member of the Association's Board of Governors, either individually or on behalf of the Association, will oppose your application for a zoning variance for the proposed enclosure, provided that your application is consistent with the attached plans.

The Association appreciates your efforts to design your enclosure so that it is consistent with the architectural characteristics of the community, and the time and patience you took to explain your design to the architectural committee.

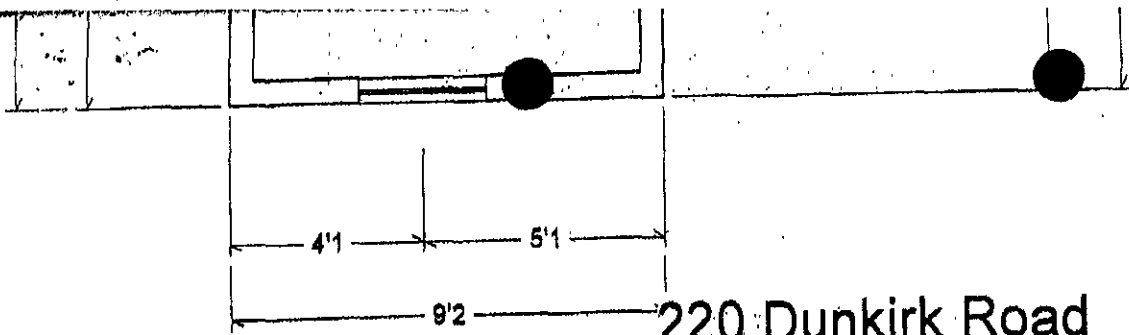
Please feel free to call me if you have any questions.

Very truly yours,

Architectural Committee,  
Board of Governors,  
Rodgers Forge Community, Inc.

By: Joseph A. Guzinski  
Joseph A. Guzinski

cc: Honey Holston, President



220 Dunkirk Road  
Baltimore Md. 21212

FOOTPRINT = PRIDE WOOD DECK

Fence

PELLA 2165  
Triple Casement Windows  
5' 3-1/2" x 5' 5-1/2" R.O.

PELLA 2165  
Double Casement Window  
3' 6-1/2" x 5' 5-1/2"

PELLA 2565  
Tripple Casement Wi  
6' 3-1/2" x 5' 5-1/2"

Skylights  
22" x 38"

EXISTING  
↓

LIVING AREA

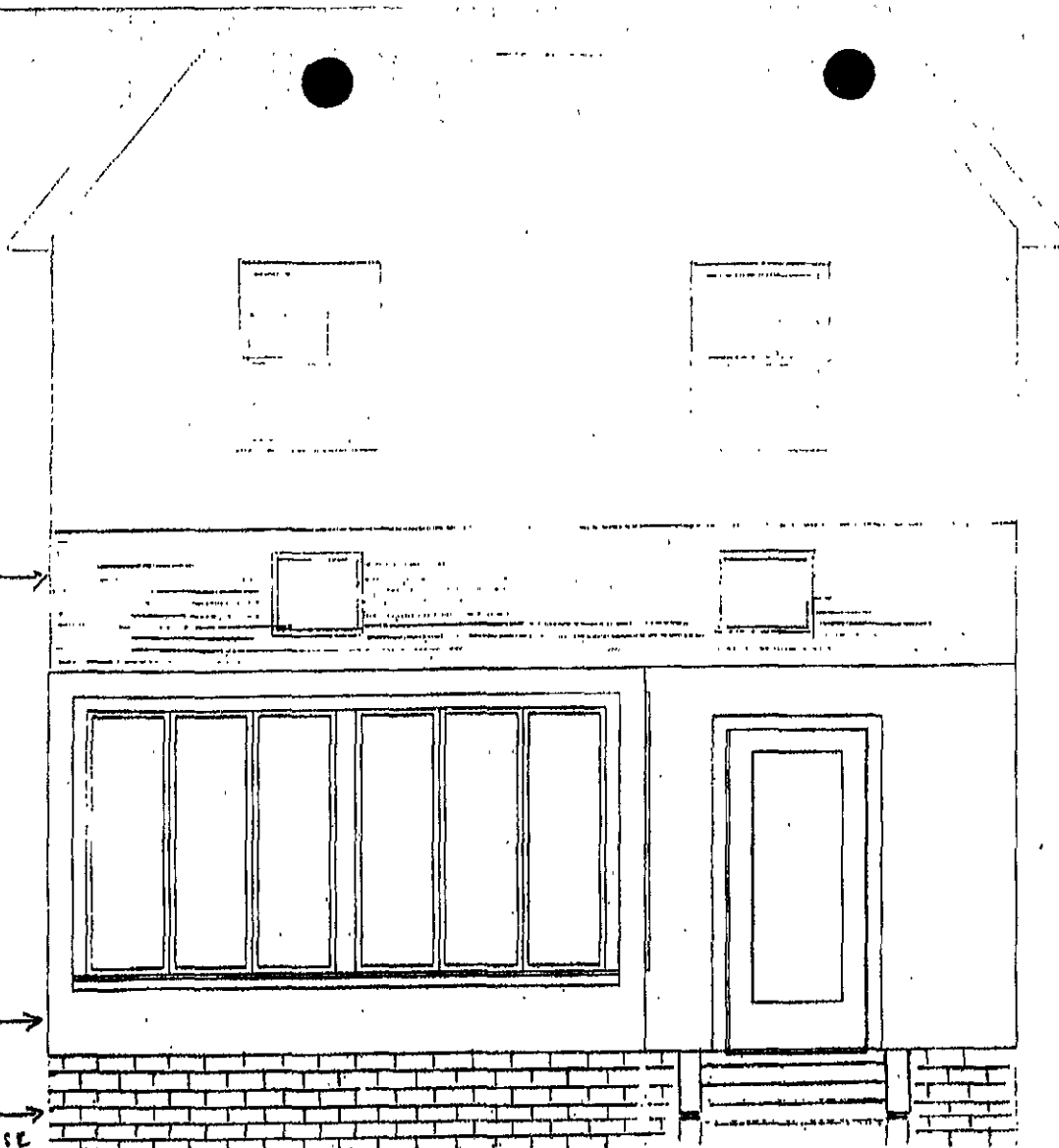
193 sq ft

DINING

CLAY  
GRAY  
ASPHALT  
SHINGLES

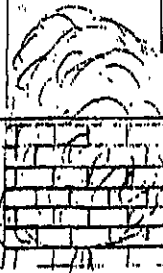
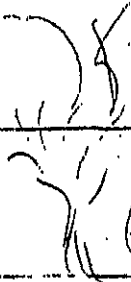
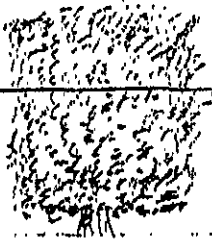
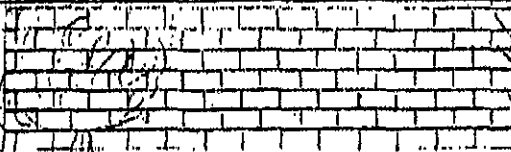
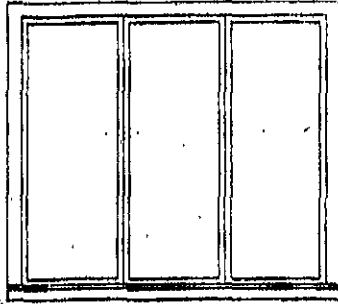
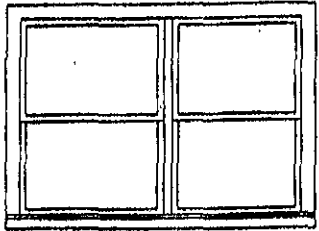
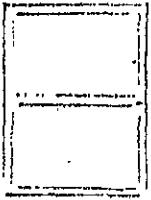
WHITE  
SIDING

BRICK TO  
MATCH  
TOWNHOUSE



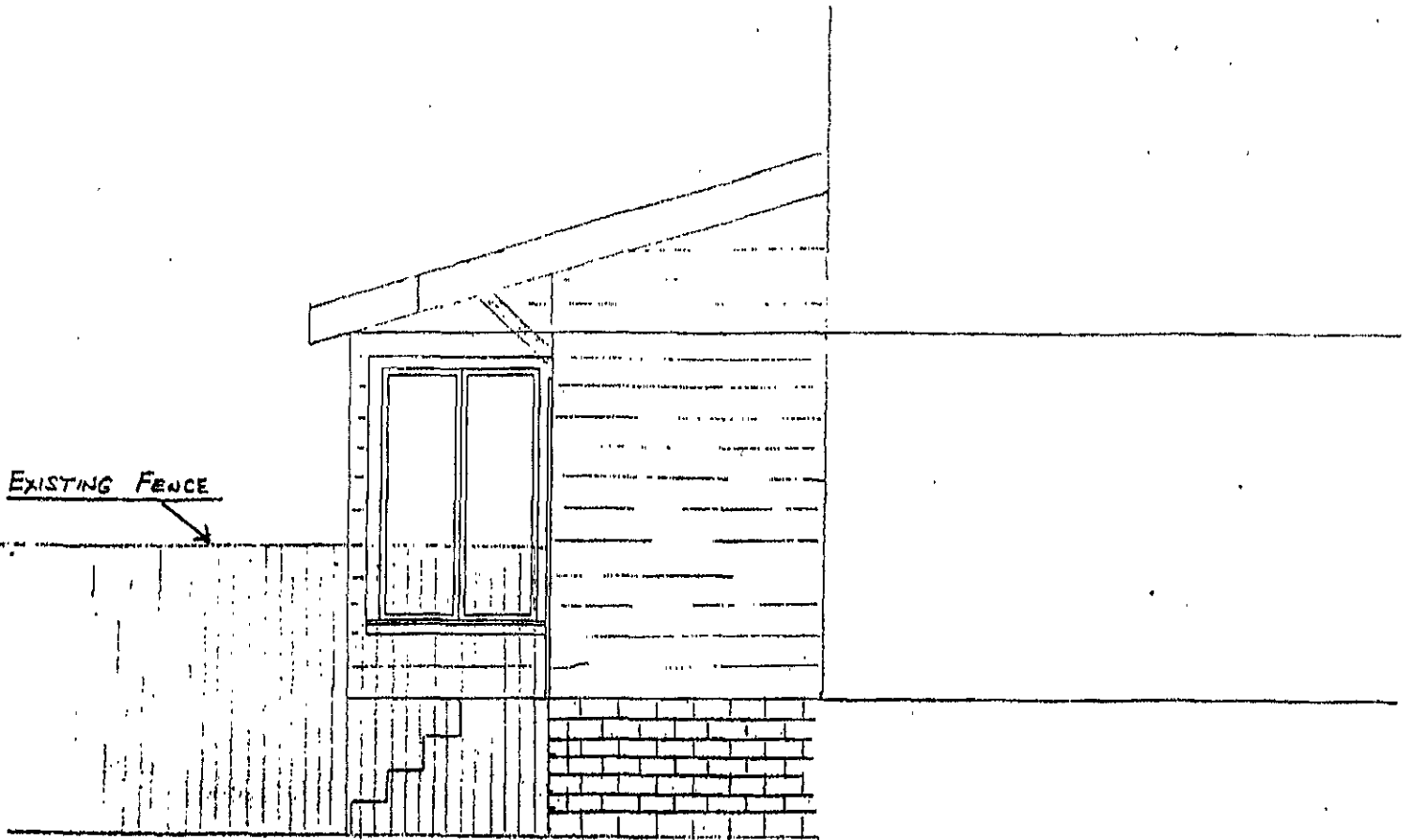
REAR VIEW

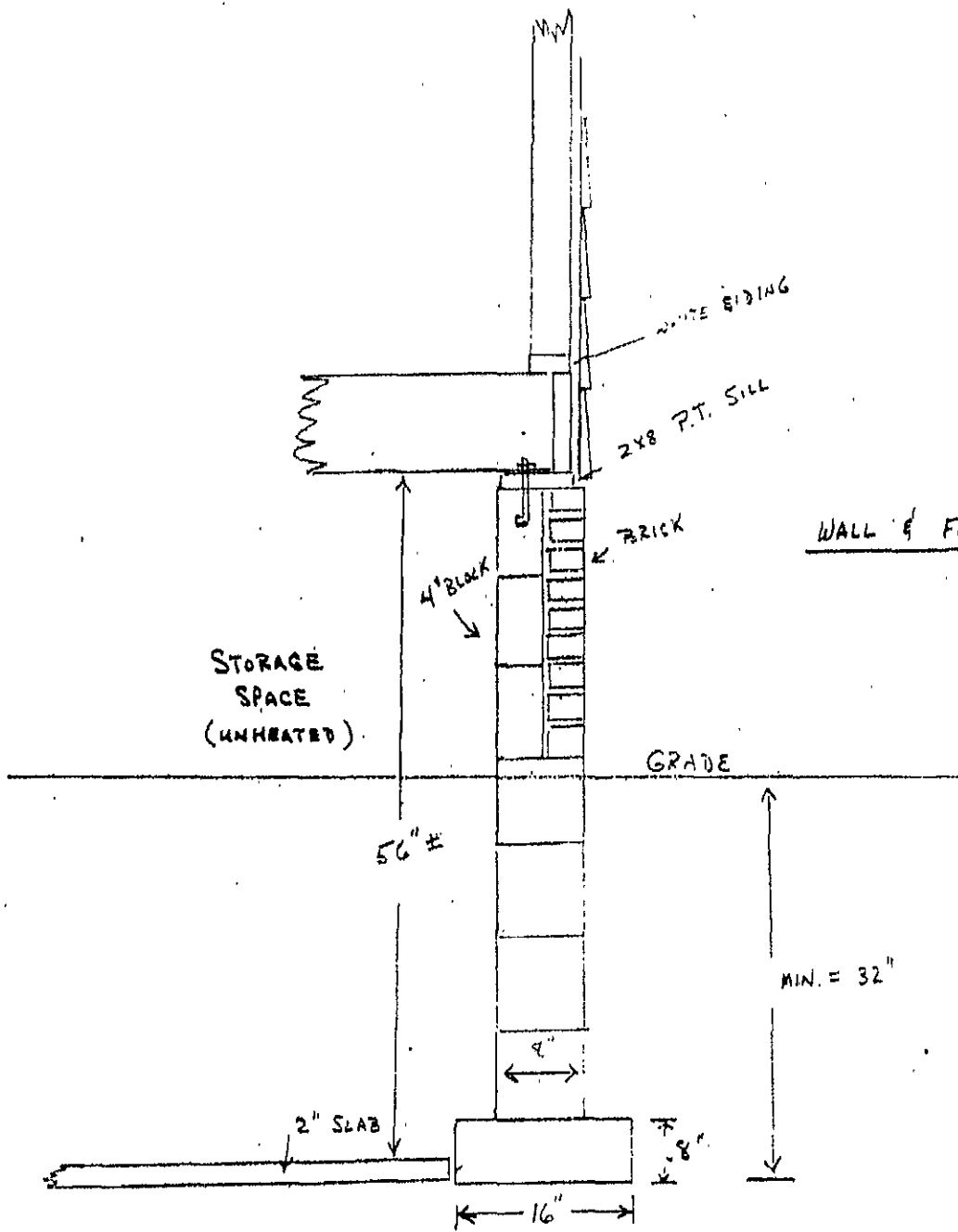
EAST ALL VIEW



WEST WALL VIEW

EXISTING FENCE

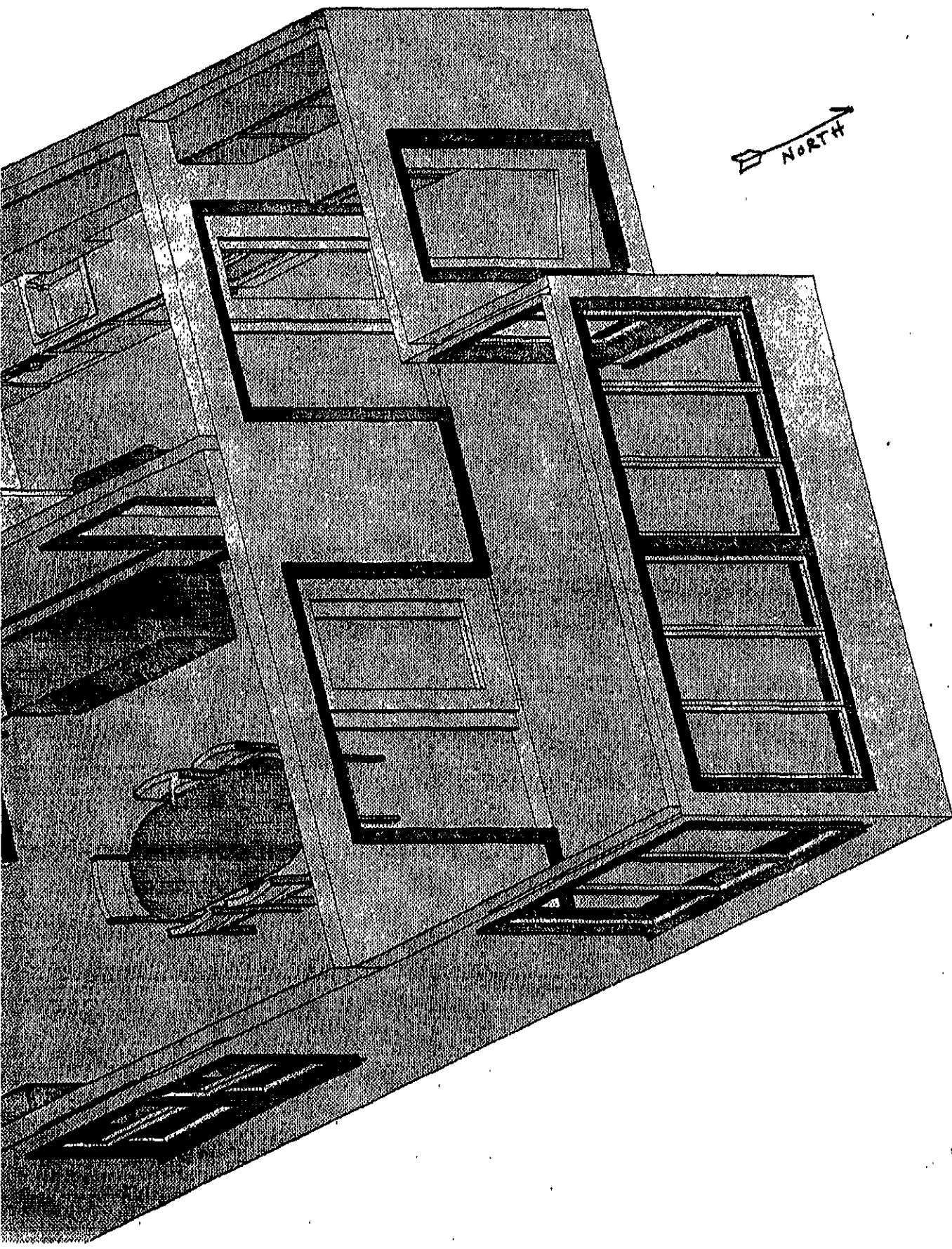




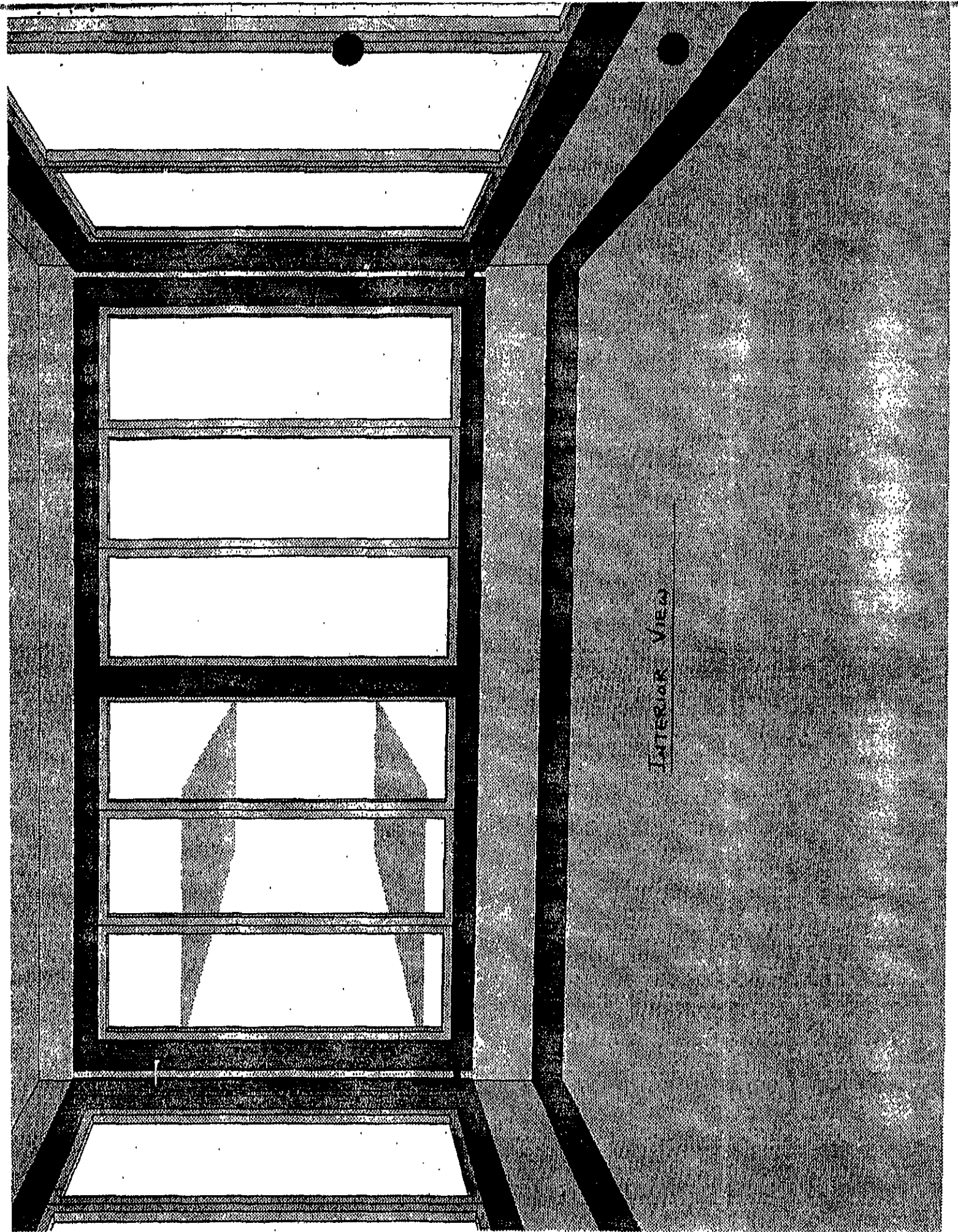
WALL & FOUNDATION DETAIL



NORTH



INTERIOR VIEW



11-8-94

Dear Mr. Vablow,

I am writing to protest the structure at the back of 323 Murdock Rd.

Case # 95-104A (Item 105)  
7/5 Murdock Rd, 282' E of SEC  
Murdock & Dorking Rd.

4th Election District - 9th  
Councilmatic District

Legal owner: Craig R. DeMallie &  
Suzanne DeMallie.

This structure violates the  
Rodgers Forge Covenants and in  
doing so jeopardizes any future  
decisions by the Community to  
maintain the standards of our  
neighborhood. There is very little  
space on our properties at present  
and this further diminishes that  
space. It directly affects the  
neighbors space by leaving them  
"closed in", so to speak, without  
their input. It just does not  
equitably serve the common good.

Susan & Tim Barcus

Susan and Jim Pascoe  
314 Inverbrook Road  
Baltimore MD 21212  
377-0562

11/23/94  
to FB

325 Regester Ave  
Balto; Md 21212  
Nov 23, 1994

Dear Zoning Commissioner;

5696-94

Re: Case # 95-104-A (Item 105)

I beg you to disallow the above  
variance for the good of the  
neighbors and the community. As  
I cannot be present for the  
hearing, please heed my plea

Yours  
Charles H. Suydam

RECEIVED

NOV 22 1994

ZADM

# VARIANCE HEARING

Case Number: 95-104-A (Item 105)  
Property owners: Craig and Suzanne DeMallie  
Location: 323 Murdock Road  
Regarding: Variance to allow a rear yard setback (for an addition) of 39 feet  
in lieu of the required 50 feet.

=====

**Hearing: Thursday December 1, 1994 at 2 PM**  
**Room 106 Baltimore County Office Building**  
**111 West Chesapeake Ave.**  
**Towson**

This building is immediately across the street from the old Court House in Towson.  
There is a parking garage on the corner of Susquehanna and Washington.

**Please come.**

=====

The hearing date can be confirmed by calling 887-3391 on the morning of  
December 1, 1994.

=====

## **Address written communication to:**

Mr. Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building, Room 109  
111 West Chesapeake Avenue  
Towson, MD 21204

**Attention: Gwen Stephens**

The salutation should be simply **Dear Zoning Commissioner:**

*Ron and Carol Zielke*  
*325 Murdock Rd*  
*377-2169*

11/27/94

Dear Sir,

(Item 105)

This letter concerns Case No. 95-104-a  
323 Murdock Rd  
5/5 Murdock Rd, 282' E. of SEC Murdock  
+ Dorking Rd

4th Elec. Dist. - 9th Councilmanic District  
Legal owner - Craig R. DeMallie & Suzanne  
R. DeMallie

The structure under consideration  
not only violates neighborhood covenants  
but also diminishes rights of the sur-  
rounding neighbors such as light,  
ventilation, view, open space etc.

I strongly object to the con-  
struction of this addition to the existing  
property at 323 Murdock Rd.

Sincerely,  
Kathleen Dreger  
40 Murdock Rd.

November 9, 1994

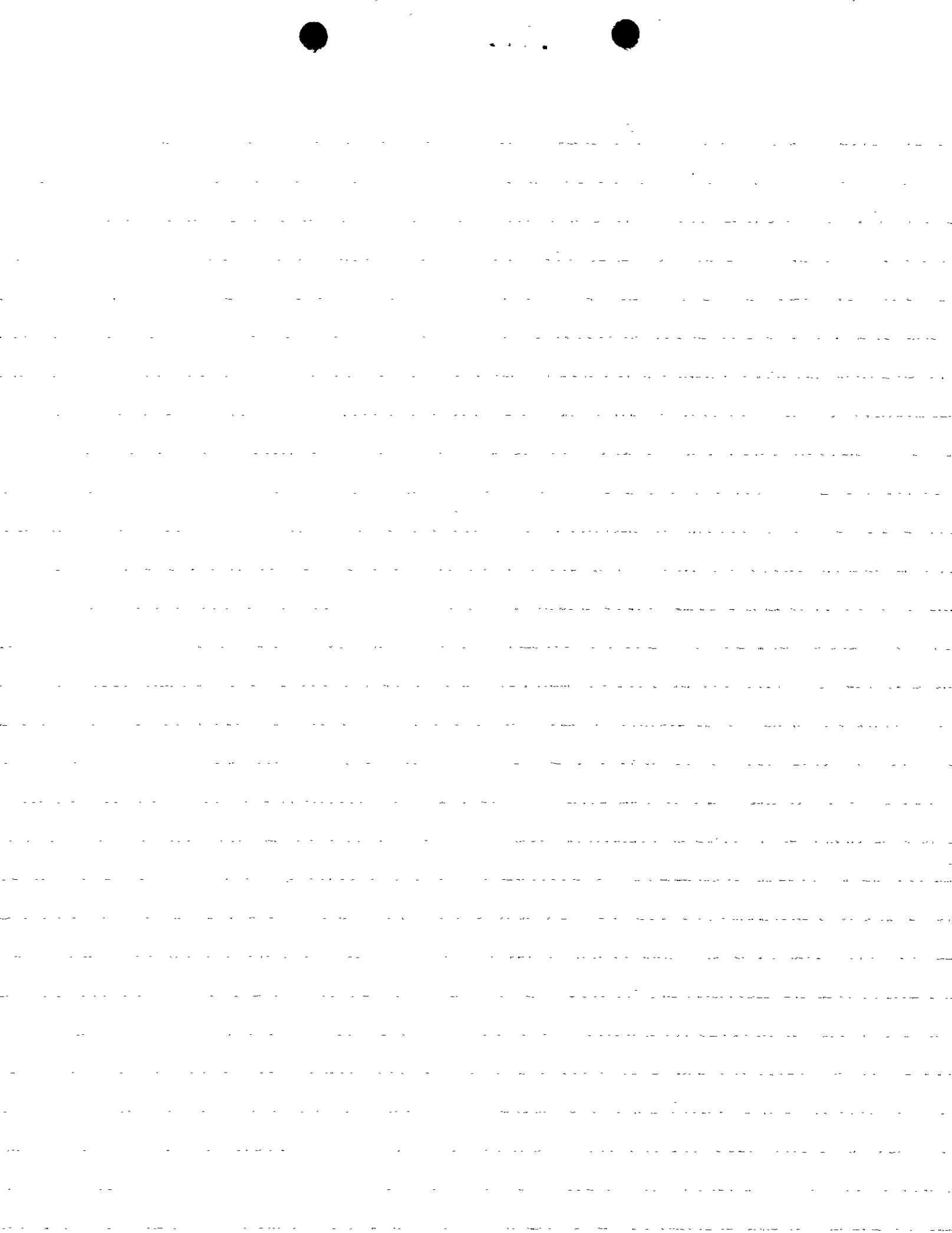
Dear Zoning Commissioner,

I wish to register my opposition to 95-104-A Item 105, Craig and Suzanne de Mallie of 323 Murdock Rd. Rogers Forge for a variance to allow a rear yard setback (for an addition) of 39 feet in lieu of the required minimum of 50 feet.

I live in a similar size attached home with a 2 car garage and I know that an addition of the size requested would almost totally block air flow and ventilation and light from the attached next door house, thus lowering the value of their home.

Charles B. Calvert  
208 Murdock Rd  
Baltimore, MD 21212  
(410) 377-4117





Laurence S. Fogelson  
Kathleen G. Adams  
401 Murdock Road  
Baltimore, MD 21212  
Phone: 410-377-8339

November 9, 1994

Zoning Commissioner  
Zoning Administration and Development Management  
Baltimore County Office Building, Room 109  
111 West Chesapeake Avenue  
Towson, MD 21204

Dear Zoning Commissioner:

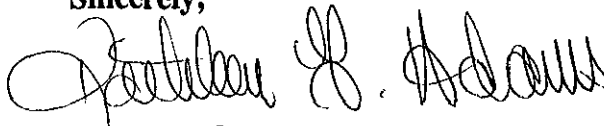
We are writing concerning Case #95-104-A (Item 105). This is an application for a rear setback variance from Craig and Suzanne DeMaillie for the property at 323 Murdock Road. As we understand the application, it requests a variance to construct an addition that will extend ten feet from the rear of the house toward the alley. It will also extend the width of the house.

We are opposed to the granting of this variance for the following reasons:

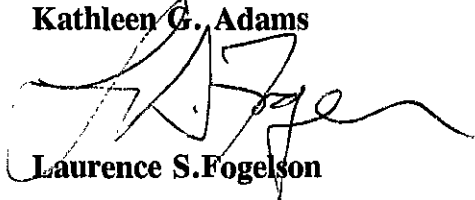
1. It would be the only addition within sight of our residence that extends that far from the rear of the house. It would adversely alter our view of the area. Its appearance would be completely out of character with any other rear yard visible to us.
2. Since there is no other rear addition of that magnitude visible to us, granting this variance would set a bad precedent, as it would likely lead to other requests that are also out of character. Such a variance is particularly onerous for an end-of-group, wherein interior homes would have their light and air, as well as their ambiance, diminished or blocked.
3. In reducing visibility through the rear area of the homes on the block, such a structure would also reduce security in our community where residents are diligent in "watching out" for each other.

We therefore urge that this variance be denied. Thank you for your consideration.

Sincerely,



Kathleen G. Adams



Laurence S. Fogelson

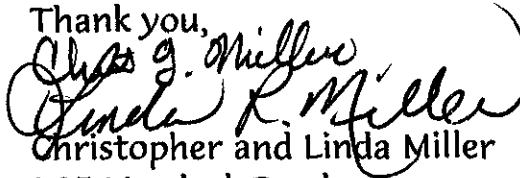
cc: Jean Duvall - RECA

Dear Zoning Commissioner,

While I personally have been a permanent resident of Rodgers Forge for only the past six months, I have become very fond of the beauty, quiet and openness of this area. My wife has lived in this house for twenty-five years and there is no where else she would rather live. Stuck between the development of northern Baltimore city and the urban transformation of Towson; Rodgers Forge, Stoneleigh and the nearby areas are prime examples of what a suburban area should be: Clean, safe, green and home to , good schools, friendly neighbors and small community merchants. It is what other neighborhoods strive for, but fail to produce in this modern world.

An integral part of the atmosphere of Rodgers Forge, to be sure, are the simple, well kept and unified homes. Unlike the modern day cheap, hastily built "cookie-cutter" or sprawling multi-colored housing developments, the brick homes of ours and our neighbors provide a simple, attractive elegance all their own. True, each home has it's differences in decorative features or small changes in landscaping. However the basic layout of the homes and yards remains constant, complementing each other without any property overshadowing the other. People live here to enjoy the view of their neighbors properties, not to isolate themselves into small blocks of oversized houses on small lots.

I am personally opposed to the idea of neighbors building large additions. The back yards of this neighborhood promote relaxation and interaction within the community, while a confining structure will not only destroy a neighbors view, but also promote urbanization of other surrounding properties. It would be easy to use the argument of this is only one property out of many, or the addition is small. But once a precedent is established, the laws and regulations of a community are easily bent further. Please deny the variance being submitted by the residents of 323 Murdock Road, and help keep our community standards just that, a standard.

Thank you,  
  
Christopher and Linda Miller  
405 Murdock Road

November 8, 1994

Dear Zoning Commissioner,

I wish to register my  
opposition to 950-104-A Item 105  
Craig and Suzanne De Mallie  
of 323 Murdock Road, Rodgers  
Forge for a variance to allow  
a rear yard setback (for  
an addition) of 39 feet in lieu  
of the required minimum of  
60 feet.

Katherine Reno Culvert  
208 Murdock Rd.  
Baltimore, Md. 21212

I live in a similar size house  
with a 2 car garage and I know  
that an addition of the size  
requested would almost totally  
block air flow and light from  
the attached next door home thus  
lowering the value of their house.

Dear Zoning Commissioner, 5746/94

The idea of putting an addition on a Rodgers Forge home is unacceptable to me and my neighbors. 95-104A

The size and the architecture is not appropriate for my neighborhood.

Your attention will be very much appreciated.

Sincerely

Deann Stewart

226 Murdock Road

21212

RECEIVED

NOV 30 1994

ZADM

11/30/94  
cg

Feb. 15, 1995

Baltimore County Government  
Zoning Commissioner  
Office of Planning & Zoning  
Suite 112 Courthouse  
400 Washington Ave  
Towson MD 21204  
Att: Appeals Office

Dear Sir;

In reference to the property  
located at 323 Mundock Rd, Balt, MD  
21212 - Case # 95-104-A: Please  
advise me in writing of the time  
and date of appeal.

Thank you,  
Norma Jean O'Hara  
Norma Jean O'Hara

RECEIVED  
MAR 16 1995

ZADM

11/30/94

5803-94  
AG

95-104-A

Nov. 28<sup>th</sup> - 94

Dear Zoning Commissioner;

I am writing in reference of  
case no 95.104.A. (Item 105.), location  
323 Murdoch Rd. Property owners - Craig +  
Suzanne De Mallie!

I am against granting the variance for the  
rear set back from 50 feet to 39 feet and  
anyone building on any addition with the rear!  
This would have an impact on the home  
owners in the direct neighbour hood as well as  
on the community of Rogers Forge on a whole.  
I thank your time and attention in this  
matter.

Sincerely,

Marie Immink

207 Register ave.  
Balt. Md. 21212.

RECEIVED  
NOV 30 1994

ZADM

RECEIVED  
6 1994  
ZONING COMMISSIONER

420 Murdock Road  
Baltimore, MD 21212  
November 4, 1994

To Whom It May Concern:

This letter is written concerning the reported request for an addition to property in the 300 block of Murdock Road, Rogers Forge, but it reflects my opinion of additions to property in Rogers Forge in general. I wish to state that I do not have first hand information on the addition requested nor do I know the property owner(s).

I have lived in Rogers Forge since 1960, the first two years in the 400 block of Register Avenue and the remainder of that time in the 400 block of Murdock Road.

I wish to state that I am opposed to any additions to existing properties in Rogers Forge which in any way alter the air flow patterns and ventilation or the distribution of sunlight to neighboring property. I also think it unfair for a visual barrier to be created only several feet from an adjoining home.

I hope that these opinions will be taken into consideration when decisions are made concerning alterations to properties in Rogers Forge. Thank you for your consideration of these matters.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Karl H. Weaver". The signature is fluid and cursive, with a large, sweeping "W" and a long, trailing flourish at the end.

Karl H. Weaver



11/9/94  
8  
to file  
CS320 Murdock Rd.  
Baltimore, Md. 21212  
Nov. 5, 1994

Zoning Commissioner of  
Baltimore County  
111 West Chesapeake Ave.  
Towson, Md. 21204

Re: Case Number: 95 104 A (Item 105)  
323 Murdock Rd.  
S/S Murdock Rd., 282' E of SEC Murdock and  
Dorking Road  
4th Election District 9th Councilmanic District  
Legal Owner: Craig R. DeMallie & Suzanne R. DeMallie

This letter will serve as a protest to the  
approval of a Variance (for an addition) to the  
property identified as 323 Murdock Rd., Balto., Md. 21212.

Yours truly,

*Donald L. Cassatt*  
*Betty V. Cassatt*

Donald L. Cassatt and  
Betty V. Cassatt  
Owners and Residents at  
320 Murdock Rd.,  
Baltimore, Md. 21212

RECEIVED  
NOV 9 1994

ZADM

312 Overbrook Road  
Baltimore, MD 21212  
November 7, 1994

Re: 323 Murdock Road  
Case # 95-104A  
Item # 105

To Whom It May Concern:

The integrity of Rodgers Forge is built on its decades of strict aesthetic conformance.

I strongly oppose the granting of a variance from 50 feet to 39 feet for a rear-yard setback on 323 Murdock Road.

A variance such as the one requested is certain to have a cumulative detrimental impact on the entire neighborhood.

Whereas I am quite certain all Rodgers Forge residents would enjoy a larger eat-in kitchen such as the one the petitioners desire, the community's integrity is at stake. We all moved into the neighborhood understanding that we lived in row houses and understood the ramifications--both positive and negative.

Newer residents must come to appreciate that row-house living is unlike any other. An enlarged room for one home affects the light, ventilation, and view of others. As a community, the comfort of one family cannot override the needs of the larger community.

Please consider the needs of 1,700 families over the desires of one. Please deny the variance request on 323 Murdock Road.

Thank you for your consideration.

Sincerely,



Debra Mitchell  
312 Overbrook Road  
Baltimore, MD 21212

dealing: 12/1/94

11/10/94  
file

5529-94  
AJ-GS

312 Murdock Road  
Baltimore, MD 21212  
November 8, 1994

Zoning Administration and Development Management  
Baltimore County Office Building, Room 109  
111 West Chesapeake Avenue  
Towson, MD 21204

Case Number : 95-104-A (item 105)  
Property owners: Craig and Suzanne DeMallie  
Location : 323 Murdock Rd.  
Regarding : Variance to allow a rear yard setback (for  
an addition) of 39 feet in lieu of the  
required 50 feet.

Dear Zoning Commissioner,

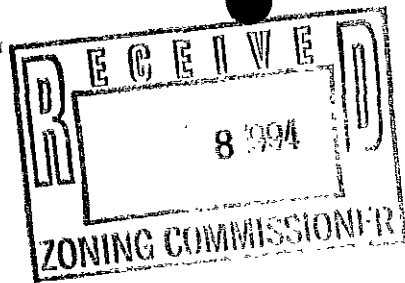
I would like to express my opposition to the requested variance of 50 feet from the alley, in order to construct an addition. It is not in keeping with the character of the Rodgers Forge neighborhood. Also, I live in an inside group house, next to an end-of-group and I would not be very pleased if my neighbors were to add an extension to their house.

Sincerely,

*Judith N. Connors*  
Judith N. Connors

RECEIVED  
NOV 10 1994

ZADM



322 Dunkirk Road  
Baltimore, MD 21212  
(410) 377-2910

December 4, 1994

Mr. Timothy Kotroko  
Zoning Administration and Development Management  
Baltimore County Office Building, Room 109  
111 West Chesapeake Avenue  
Towson, MD 21204

RE: Case Number 95-104-A (Item 105)

Dear Mr. Kotroko:

I have lived in Rodgers Forge for seven years, four years at 126 Murdock Road, a middle of group, and since then in an end-of-group identical to, and directly across the alley from the DeMallies, at 322 Dunkirk Road. I do not know Craig and Suzanne DeMallie, and I have only just met Carol and Ron Zielke in connection with this variance hearing.

I would like to make several points in opposition to the DeMallie's proposed addition to their house:

Were I to be in the Zielke's position, living in a middle of group, and the DeMallies were to construct their addition, I would have to move. The reduction in the amount of afternoon light entering my home would severely affect my health. I was diagnosed in 1985 with Seasonal Affective Disorder. Every autumn and winter I descend into a severe depression due to the reduced amount of sunlight at this time of the year. This syndrome is estimated to affect approximately 20% of the population at our latitude, and is largely unrecognised and undiagnosed. Evergreen trees in the front yard of my neighbors at 124 Murdock cast shadows on my windows from early afternoon, reducing sunlight summer as well as winter. This is the reason I moved to my current location which is a much brighter home, affording me both a southern and a western exposure.

Second: I take great pleasure in raising my own cut flowers and organic vegetables in the summer, as well as enjoying many hours soaking up the sun in my back yard. The structure which the DeMallies are proposing will rob the Zielkes' backyard of much of its direct afternoon sunlight, making it necessary to switch to low-light landscaping, and virtually impossible to grow tomatoes and other sun-loving vegetables. Were my own neighbors to construct such an addition on their house the daylight reaching my garden would also be greatly curtailed, thus reducing the produce and flowers I could grow, and the enjoyment I take in my yard.

I chose to live in Rodgers Forge despite the drawbacks of reduced direct sunlight inside the home, and the tiny yards because

I wanted to buy a home and settle in a strong, stable, cohesive community where I would be able to make new friends and have a sense of belonging, a rare commodity in a large city.

When I first considered buying a home in Rodgers Forge I asked for a copy of the covenants because I was concerned about this very issue. I knew of my need for light and the pleasure I take from my garden. I chose to move to the Forge for many reasons, and I felt the covenants would protect me from any undue surprises with respect to new construction around my home. Now it comes as a shock to learn that not even the zoning commission of Baltimore County will protect me by enforcing its own code. It is my understanding of the code that variances are only granted for cases of hardship or demonstrable need. The greater hardship I perceive is that imposed on the Zielkes and on the entire community of Rodgers Forge, should a precedent be set by the granting of this variance.

It became clear to me during the December 1, 1994 hearing, which I attended in its entirety, that the DeMallies are basing their request for a variance on the hardship imposed on them by the small size of their kitchen and the need to modernize and enlarge it. Yet they have already, according to testimony, spent \$10,000 to remodel the kitchen. They state that they do not intend to put any kitchen appliances in their proposed addition, only, at most, a television. They claim to require the addition as a breakfast room because they do not wish to eat breakfast in their 'formal dining room', or to "toss a salad on the dining table". It is clear that the only hardship would be the requirement of using their dining room and living room for the purposes intended. I think the DeMallies want an informal family room/den in addition to the 14' x 20' living room and 14' x 11' dining room they already have. They say they wish to keep their dining room formally appointed for entertaining guests. Is this worth alienating practically the entire community of Rodgers Forge?

Sincerely,

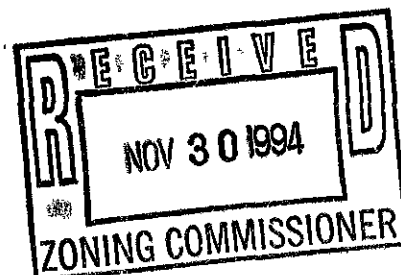
A handwritten signature in cursive script that reads "Adrien Rothschild".

Adrien Rothschild

Mark H Kendall  
223 Regester Ave.,  
Baltimore, MD 21212

Timothy Kotroco,  
Deputy Zoning Commissioner  
Zoning Administration and Development Management  
Baltimore County Office Building  
111 West Chesapeake Avenue  
Towson, MD 21204

FAX No 887-3468



Re Case Number 95-104-1 (Hsm 105)  
Location 323 Murdock Road

12/1/94

Dear Mr. Kotroco

As a resident of Rodgers Forge I am writing to express my opposition to the request for a variance to allow a reduced rear yard setback at the above referenced property. Rodgers Forge is a very densely developed community and any additions to the rear facades of these new homes will have an adverse impact on the light and ventilation to adjoining homes.

A variance to reduce the required 50ft setback will set a precedent for further development and will affect property values in the neighborhood.

Sincerely,

A handwritten signature in dark ink that reads "Mark H. Kendall".

Mark H. Kendall

October 10, 1994

Stephanie Miller  
225 Hopkins Road  
Baltimore, Md. 21212

Mr. Arnold Jablou  
Zoning Administration & Development Mgt.  
Baltimore County Office Bldg., Room 104  
111 W. Chesapeake Ave.  
Towson, MD. 21204

Dear Mr. Jablou,

I am writing on behalf of my neighbors, myself, and for all future residents of Rodgers Forge. The concern:  
CASE NUMBER: 95-104-A (Item 105)  
323 Murdock Road  
S/S Murdock Road, 282' E of SEC Murdock and Dorking Road  
4th Election District - 9th Councilmanic District  
Legal Owner: Craig R DeMallie & Suzanne R. DeMallie

I would like to state my objections to the DeMallie's proposed addition to their house. My strongest objection is that it violates the Rodgers Forge Covenant. If they want to do something which is presently against the code, they need to do that by working with area residents to change the code. The code is not carved in stone.

Their proposed addition will diminish the pleasure area residents now enjoy being outside in their yards. View is obstructed, less sunlight makes the enjoyment of gardening something of the past. It alienates neighbors from one another and makes it difficult to watch a neighbor's property when they are away.

I think it ultimately destroys the outward physical harmony of the neighborhood. People must realize that the residents of Rodgers Forge have a history of wanting to keep a certain look about the Forge. If potential home buyers who are considering a move into the area somehow object to this code perhaps they need to first consider living elsewhere, or like I said, work with the community to change the code. Right now their plans are in direct violation of that code.

Please consider these objections when making your decision.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Miller". The signature is written in dark ink and is positioned above the printed name.

Stephanie Miller

10/26/94  
g

5268-24  
AS

Zoning Commissioner of Baltimore County  
ZADM  
111 West Chesapeake Ave  
Room 109  
Towson, MD 21204

10/24/94

Dear Zoning Commissioner:

Re: Case #95-104A(Item 105)  
323 Murdock Road  
Craig and Suzanne DeMallie

We are writing to you as concerned neighbors in Rodgers Forge. We are against the proposed addition to the above property because it would violate the neighborhood covenants and it would have an adverse effect on the general appearance of houses in the area.

We have lived in Rodgers Forge for over 10 years. Even though the zoning request states that similar structures already exist, we are not aware of any in the immediate area surrounding our home and the DeMallie's. Both of our homes are in the older section of the neighborhood. We have seen some of the additions built on homes in the "newer" sections of the Forge; however, these examples do not represent the 'spirit' of the original builders of this neighborhood.

The proposed addition would block available sunlight, airflow and open space to the owners of 325 Murdock Road. A 2 car garage which already exists in the backyard of 323 Murdock Road compounds the above problems. We sympathize with the residents of 325 Murdock Road--we would be very dissatisfied if our next door neighbors built a addition which effectively "walled off" our backyard.

In general, the homes in our area are very well-maintained and the property values remain steady. We have noticed and appreciated the way the DeMallie's have fixed up the exterior of their home; however, we are against any addition to an already roomy home in a neighborhood which, by its nature, requires us to live very close to others.

Thank you for hearing our viewpoints on this matter.

Sincerely,

Skip and Harriet Hardy  
318 Murdock Road  
Baltimore, MD 21212

RECEIVED

OCT 26 1994

ZADM



November 9, 1994

Mr. Arnold Jablou, Director  
Zoning Administration  
and Development Management  
Baltimore County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Mr. Jablou:

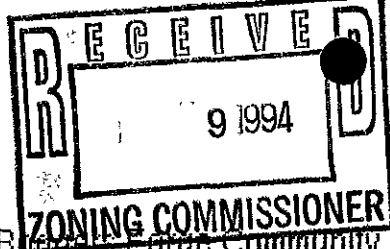
RE: CASE NUMBER: 95-104A (Item 105)  
323 Murdock Road

I am strongly against the proposed addition to the above-mentioned property. First of all, it is against the Rodgers Forge Covenants. And, furthermore, it will greatly reduce the lack of open space to this particular block of houses, immensely affect the air flow (especially when grilling outdoors), sunlight will be blocked to the neighboring houses which could also have an effect on outdoor gardening. And, for those of us who care enough to keep an eye out for anything suspicious taking place on our neighbors' properties, this addition would definitely hinder that effort.

Please consider my thoughts when arriving at a decision.

A handwritten signature in cursive script, reading "Nancy Love".

Nancy Love  
313 Hopkins Road  
Baltimore, MD 21212



Rodgers Forge Community Association, Inc.

Summation of presentation of protestant Rodgers Forge Community Assn., Inc.

Case Number 95-104-A (Item 105) December 6, 1994

J. Donald Gerding: Board of Governors

335 Old Trail, Baltimore, Maryland 21212

The Petitioner's testimony on this variance hearing failed - in our belief- to prove the County's well established standards of practical need or evidence of hardship. In their testimony the DeMallies basic justification for the requested variance for an addition addresses the matter of their style of living and of convenience for informal meals and breakfast. It seemed, from their testimony - that the Demallies would not seriously consider other alternative solutions from within the existing 5 bedroom, 3 story end of group home that was constructed by James Keelty, developer, in a community designed with an "over-all-scheme" and "architectural uniformity".

We point to numerous positions by the DeMallies' attorney, Michael Tancyn, when he was a board member and president of Rodgers Forge Community during a period of approximately 1975 - 1981 - to protect the "architectural uniformity" of the community. Quotes from the published newsletter of Rodgers Forge Community by Michael Tancyn are as follows:

August '79: "to all residents, Thanks to the nice lady who took most of the fence -the big fence - down. We appreciate your cooperation."

October '79: "from the President - "cooperation from the community on following the covenants."

January '80: "Who's - who announced that David Mister to be chair of Building Restrictions and Zoning Committee"

March '80: requests for approval of external improvement projects - "From time to time an article hits the Newsletter describing what exterior improvements have to be cleared with the Board of Governors before the improvements are actually begun."

July '80: "From the President" - "People are taking an active interest in maintaining their properties and the number of requests for Board approval of exterior improvement projects continually rises. We thank you all for your cooperation."

Mr. Tancyn was president from fall '79 through fall '80 and a board member for four years. We in the community find it difficult to hear a former resident, board member and president espouse the position of breaking with the community "development scheme" and "architectural uniformity."

Our opening statement cited several cases that upheld the Rodgers Forge Community position on architectural uniformity in the CBA of Baltimore County and Mr. Tancyn offers one case (#86-212-a July 1986) only in the presentation favoring the DeMallies' position for variance and before the CBA the Dissent Opinion makes strong points in favor of the RFC Inc. position to deny and points out Anderson vs. Board of Appeals 22 Md 28-11947 offer the fact that "Petitioner must establish that his variance is justified under the standards enunciated in Anderson. It is also pointed out that "this justification for the variance goes only to a matter of convenience and not substantial need, which has been held by the Courts to be insufficient to justify the granting of the variance. See Carney vs. City of Baltimore, 201 Md. 130 (1952).

At issue is practical need or evidence of hardship, neither of which were proved by testimony. The RFC Inc. also advances the long recognized issue of

"architectural uniformity" of the original development scheme. Again, it is generally agreed that the court recognizes that an exception or violation of the standards does not excuse the elimination of the standards or overrule the scheme of development. The variance requested WILL have a NEGATIVE impact upon the overall development standard and scheme of the community.

We also cite the nineteen residents who attended the hearing wishing to speak and due to the length of petitioner's counsel cross of Mrs. Zielke, were unable to voice their opposition with the exception of two residents who did speak. At this point in time there are on file a minimum of thirteen letters from community residents who state their opposition and join in the protest. There could possibly be more letters of opposition and filed that at this time we are unaware of.

It is, therefore, the position of the Board of Governors of RFC, Inc. that the petition for variance in Case Number 9995-104-A (Item 105) for 323 Murdock Road be denied.

CASE # 95-104-A  
Sharon Hewitt  
219 Overbrook Rd.  
Baltimore, Md. 21212  
(Rodgers Forge)  
11/9/94

Baltimore County Commission of Planning and Zoning  
Room 109  
11 West Chesapeake Ave.  
Towson, Md  
21204

Dear Commissioner:

Please disallow the petition by owners Craig and Suzanne DeMollie at 323 Murdoch Rd. for a variance to allow a rear yard set back (for an addition) of 39 feet, in lieu of the required 50 feet.

My reasons are three:

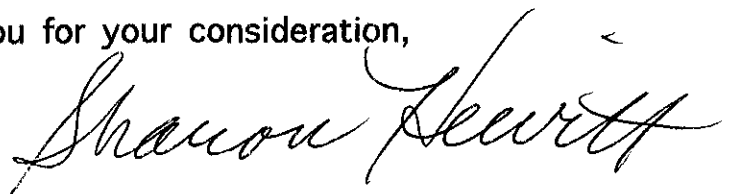
\* Safety. There is already a large garage in this yard and the change would leave only 10 feet of open space in neighboring yards, not enough for row house dwellers to see clearly out of their own restricted space and to be able to assess alley traffic or the presence of intruders.

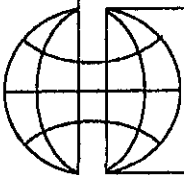
\*Health. Ventillation will be much reduced by a wall on the property line of the neighbor's back yard. Heat and pollution are a serious concern in densely built row house neighborhoods.

\*Quality of life. The visual effect of such a wall and of an addition not in character with the existing construction is unpleasant. It lowers the resale value of surrounding properties. Reduced light in those surrounding yards means gardening is severely curtailed. Interior light is already low in row houses, by definition, and should not be futher lowered, since human psychological affect is directly related to the amount of light, especially in winter months.

A disturbing movement towards selfish priorities on the part of citizens, a lack of concern for community values, should not be encouraged by allowing this variance.

Thank you for your consideration,

A handwritten signature in cursive script, reading "Sharon Hewitt". The signature is written in dark ink and is positioned below the typed name and the "Thank you" line.



J. R. OWENS CORPORATION

Phone: (410) 752-3066  
Fax: (410) 385-2519  
MHIC #22591

10 E. Chase Street • Baltimore, MD • 21202-2517

November 21, 1994

Mr. Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building, Room 109  
111 W. Chesapeake Avenue  
Towson, Md. 21204

Dear Zoning Commissioner:

I am writing you regarding Case #95-104-A (Item 105); Craig and Suzanne DeMallie, 323 Murdock Road, variance to allow a rear yard setback for an addition of 39 feet in lieu of the required 50 feet. I am a homeowner in the area and I strongly disagree that there should be any zoning changes for a house of this size in this area. I would very much prefer that they stay within the original set back lines. Thank you for your consideration.

Sincerely,

J.R. Owens  
President

RECEIVED

NOV 23 1994

ZADM

401 Dumbarton Road  
Baltimore, Maryland 21212  
November 22, 1994

Mr. Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building, Room 109  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Attention: Gwen Stephens

Re: Case # 95-104-1 (item 105)

Dear Zoning Commissioner:

I am writing in reponse to the above proposed addition, and to comment on the inappropriateness of such an addition in a row house community.

Our family has lived in Rodgers Forge for 18 years, and we feel very strongly that additions onto these homes are not in the best interest of the neighborhood. This particular home, of the DeMallie's, has a double garage in the backyard. Their proposed addition will extend nearly to that existing garage.....cutting off all airflow to it's neighbors on the East and, not to mention that visability would be greatly impaired.

I understand their reason for the addition is inadequate space in the kitchen for appliances. Might I suggest that they, living in a 5 bedroom, have the largest homes, and kitchens in the community. Please suggest that they visit the Aherns in the 300 block of Dumbarton. They have an identical house, and have installed an incredible kitchen, without an addition. The Aherns are a family of 5, I understand the DeMallie's are a couple!!!

Row house owners have certain obligations to their neighbors that single home owners do not. Because of our limited space, we all try to be more considerate of noise, privacy and just plain usage of common sense. Please, do not approve this addition. I would hate to see what could happen to a community like ours if these additions were to go up willy nilly.

Thank you for your time and consideration.

Sincerely,

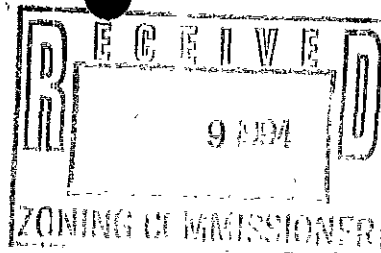


Christine M. Batten

RECEIVED

NOV 23 1994

ZADM



December 8, 1994  
329 Murdock Rd.  
Baltimore, Maryland 21212

Mr. Timothy Kotroco  
Deputy Zoning Commissioner  
Room 112; Old Courthouse  
400 Washington Ave.  
Towson, Maryland 21204

Dear Mr. Kotroco,

This letter is in reference to the variance hearing held on December 1, 1994 case # 95-104-A (Item 105).

I am an eleven year resident of Rodgers Forge and was also a licensed real estate agent for five of those years specializing in Rodgers Forge.

The information that follows come from the Greater Baltimore Board of Realtors: The average price of a home in Rodgers Forge from November 1, 1993 until November 1, 1994 was \$120,323 with a house with four or more bedrooms being \$141,144. (Note that two homes with five bedrooms sold at \$154,900 and \$162,000.) These averages are \$20,000 more than structurally similar neighborhoods such as Loch Raven Village (average sale price \$101,227 and \$120,000 respectively.) What keeps property values up and have stability in the market even when real estate is depressed is its uniformity. This is uniformity in architecture but yet having distinctive differences with bay windows, arches, tile or stone porches. Additions on these homes break this uniformity.

As to the home in question (323 Murdock Rd.), many improvements were made but most except for the kitchen were cosmetic and on resale the appraiser would allow little or no increase in the value of the home.

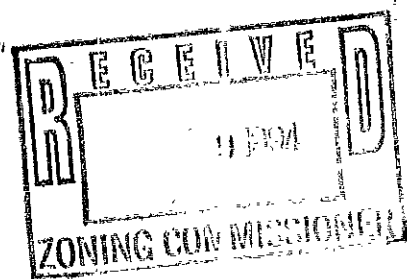
Addressing the concern of young families not wanting to move into Rodgers Forge due to inability to add on is unfounded. On two blocks of Murdock Road, there have been at least five families with small children move in within the year. Buyers want Rodgers Forge due to the stability of the neighborhood, not what

additions can be added.

Also I wish to state my disapproval of photographs submitted on the home owned by Carol Miller. I am appalled that this took place and would have felt violated had it had been my home. We and our homes are not the home in question.

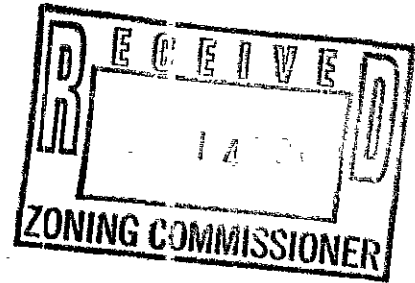
Thank-you

*Norma Jean O'Hara*  
Norma Jean O'Hara





71 Murdock Road  
Baltimore, MD 21212  
December 7, 1994



Mr. Timothy Kotroco  
Deputy Zoning Commissioner  
Room 112  
Old Court House  
Baltimore County  
Towson, MD 21204

Dear Mr. Kotroco:

SUBJECT: Case No. 95-104-A (Item 105)  
Variance to allow rear yard setback for an addition at  
323 Murdock Road

This letter is to express our concerns about the subject above. We attended both hearings, with baby in tow, to protest this request for variance, but we were unable to stay to express our opposition verbally.

The proposed addition would be detrimental to the neighborhood and the neighbors. It would violate the consistent appearance of the architecture. A primary reason we choose to live here is this consistent look, which contributes to the desirable lifestyle and stable real estate values of the area. Living in such close proximity to others, as we do in Rodgers Forge, requires residents to consider the effects on the neighbors of what one does to one's own property. This proposed addition is neither neighborly nor considerate of others' environmental needs.

On a more personal level, our home is also next to an end of group, so we can identify with the protestants, Mr. and Mrs. Zielke. The addition as described would be harmful to the environmental conditions of an inside group home, blocking line of sight both vertically and horizontally, cutting off sunshine and limiting natural flow of air across backyards. Also, placement of the air conditioner would create a lot of noise and hot air, which we find objectionable. We can attest to the fact that it is possible for more than one person to cook a meal--and feed three adults, a baby in a highchair and a dog simultaneously--in a Rodgers Forge kitchen! And ours is not a unique situation!

We greatly object to this request for variance. We appreciate your consideration of our concerns and look forward to your decision on this matter.

Sincerely,

*Gerard Dolan*  
Gerard Dolan

*Anne Fredenburg Dolan*  
Anne Fredenburg Dolan

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

\* J. Donald Gerding RI-Comm. 335 Old Trail 21212 Reg. Comm. Assoc

\* Carol L. Zielke CAROL L. ZIECKE 325 Murdock Rd 21212 Property owner Please send decision

J. Farrell Miller, Jr 322 Murdock Rd 21212 Property owner Please send decision

NORMA O'HARA 329 MURDOCK RD 21212 PROPERTY OWNER PLEASE SEND DECISION

Adrien Rothschild 322 DUNKIRK Rd 21212 property owner; please send decision

Lawrence R. Conner 320 Murdock Rd 21212

Edwin J. Amant 331 Murdock Rd 21212

H. Ronald Zielke 325 Murdock Rd.

JOHN O'HARA 329 MURDOCK ROAD

Shawn A. Amant 331 Murdock Rd.

\* Honey Holsten 94 Dunkirk Rd. President RFCA

Mary Buckhead 324 Murdock RD 21212

~~REDACTED~~

Please send decision Gerard Dolan 71 Murdock Rd 21212

Gerard Kenneth Dolan 71 Murdock Rd. 21212

ANNE FREDENBURG DOLAN 71 MURDOCK RD 21212

ALEX DEBAK 324 MURDOCK RD 21212



JUNE WOODWARD - POSSIBLY

126 REGISTER AVE. BALTO. 2/2/2

[illegible][illegible]

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

95-104

NAME

ADDRESS

Suzanne Demallie

323 Murdock Rd.

Craig Demallie

323 Murdock Rd

Michael Taw 240 atty for Pet

Suite 106 606 Baltimore Ave Towson Md 21204

LAURA A. BOYCE

319 MURDOCK RD.

Kathleen Q. Mahoney

321 Murdock Road 21212

Michael J. Mahoney

321 Murdock Rd 21212

Jennifer Rupp

621 Shiloh Rd 21286

Coran & Road

621 Walter Rd 21286



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

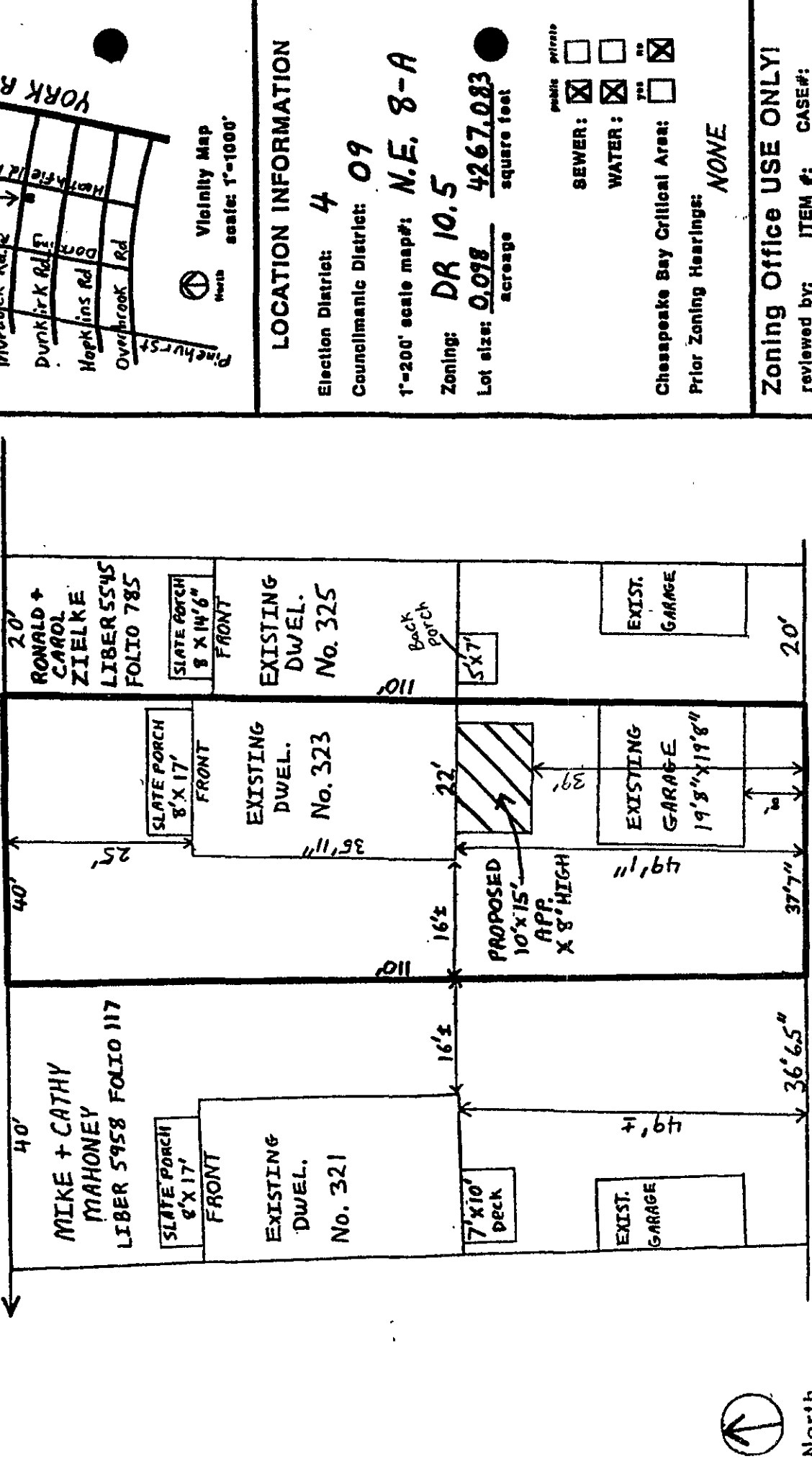
PROPERTY ADDRESS: 323 MURDOCK ROAD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: RODGERS FORGE

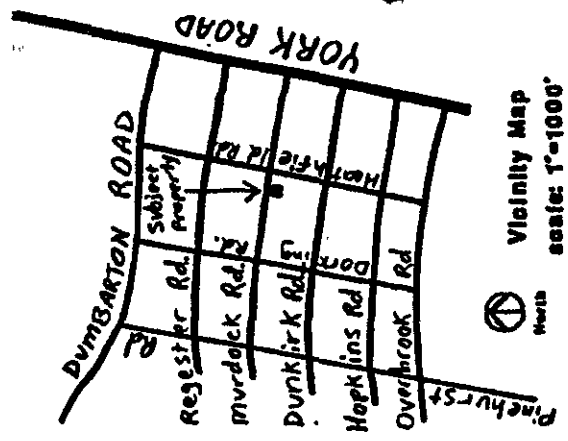
plat book # NA, folio # , lot # , section #

OWNER: CRAIG + SUZANNE DEMALLIE 95-104-A

282' TO S.E. CORNER OF MURDOCK + DORKING RD. MURDOCK ROAD (50' R/W, 24' PAVING)



8" WATER 8" SANITARY SEWER 15' ALLEY Scale of Drawing: 1" = 20'

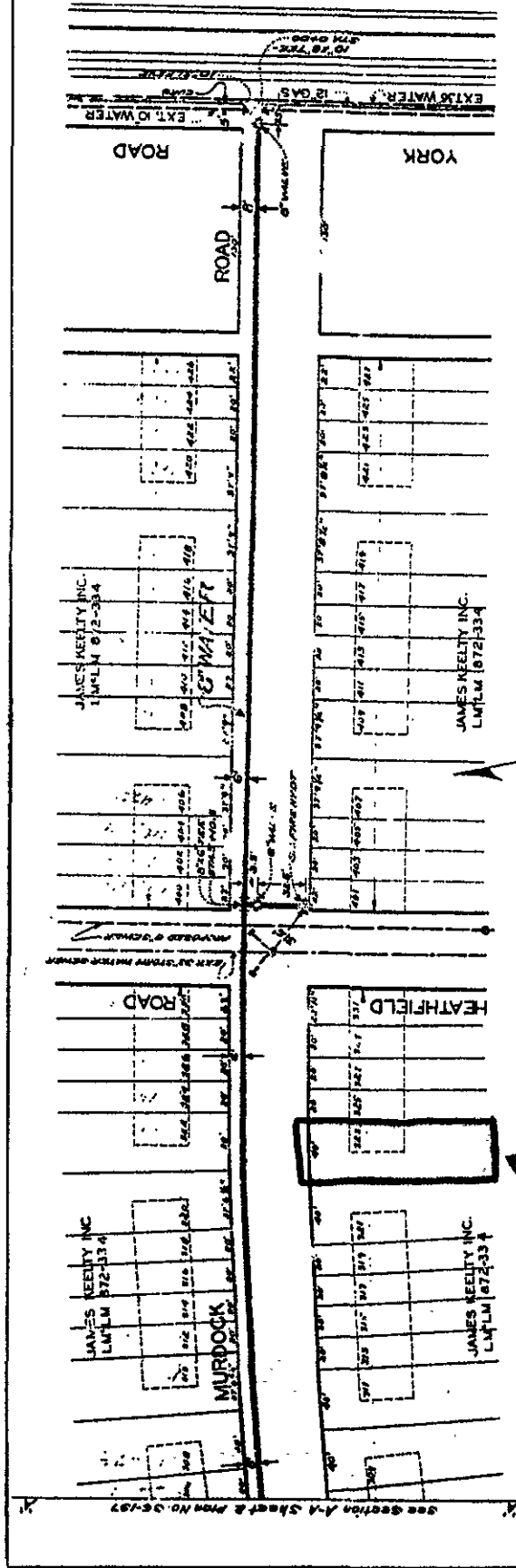


**LOCATION INFORMATION**  
Election District: 4  
Councilmanic District: 09  
1"=200' scale map#: N.E. 8-A  
Zoning: DR 10.5  
Lot size: 0.098 acreage 4267.083 square feet  
SEWER: ☒ public ☐ private  
WATER: ☒ ☐  
Chesapeake Bay Critical Area: ☐ ☒  
Prior Zoning Hearings: NONE

**Zoning Office USE ONLY!**  
reviewed by: *[Signature]* ITEM #: 105 CASE #:

North  
date: 8/29/94  
prepared by: CRP

95-104-A



Subject Property

1472' OF 8" PIPE  
79' OF 6" PIPE

MICROFILMED

CWO 14240 M1027

BALTIMORE COUNTY METROPOLITAN DISTRICT	APPROVED: 8/17/36 DATE	APPROVED AS TO LOCATION DATE 8/17/36	APPROVED FOR CITY OF BALTIMORE DATE 8/17/36	PROPOSED WATER IN MURDOCK ROAD FROM YORK ROAD TO PREHEURST ROAD	DRAWING NO. 1 OF 2	SCALE: 1"=50'	J.D. 1649 36-153 MAR-1935 301/2
--	---------------------------	---	--	---	--------------------	---------------	--

# 105

N 30,000

GLEN ARGYLE

ALLEY

REGISTER

ALLEY

MURDOCK

ALLEY

DUNKIRK

N 29,000

ALLEY

HOPKINS

ALLEY

N 562,000

OVERBROOK

ROAD

RODGERS

Site

F O R G E

ROAD

ROAD

ALLEY

D.R. 10.5

BL

AVENUE

BL-CNS

RO

LOCATION

#105

STONELEIGH

95-104-A  
ANNESLIE

ROGERS FORGE

SHEET

N. E.

8-A

SCALE

1" = 200' ±

DATE

OF

PHOTOGRAPHY

JANUARY

1986



95-104-A



This photo is a view from the Mahoney's property which shows the rear of our house and back yard as well as our other adjacent neighbor (the Zielkes) in the attached unit.



This is a close-up of the rear of our house. The addition will begin at the right of the small window and continue 15' to approx. 2' past the large window. It will extend out to about 1' past the edge of the concrete.

# 105



This photo shows a view from our yard into the Mahoney's.





95-104-A

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

# 105

SCALE	LOCATION	SHEET
1" = 200'±	STONELEIGH	N.E.
DATE OF PHOTOGRAPHY	ANNESLIE	8-A
JANUARY 1986	ROGERS FORGE	